

Town of Guilderland Employee Policy Manual

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100 INTRODUCTION

101 MESSAGE FROM THE CIVIL SERVICE SYSTEM

As a Town of Guilderland employee, certain provisions of this manual are governed by the New York State Department of Civil Service. This may include, but is not limited to, your appointment, classification of job descriptions, disciplinary processes and grievance procedures. Certain employees are entitled to rights under Section 75 of the Civil Service law. The Town's employment practices are also a reflection of Town values. The Town of Guilderland is especially encouraging of our own citizens to work for the Town, and provides a preference to them for employment.

102 THE PURPOSE OF THIS MANUAL

This employee manual is designed to provide Town employees with a brief outline of policies, procedures and benefits, but does not profess to be an all-inclusive resource. **Nothing contained in this manual should be considered a contract, either expressed or implied, between the Town and an employee.** Union employees should refer to their union contract for regulations/guidelines on subjects also covered in this employee manual. This manual is not a contract of employment and should not be construed as such; nor should it be construed as an assurance of employment for a specific length of time. All policies and practices may be changed as conditions or trends warrant at the sole discretion of the Town Board. Policies outlined in this manual shall supersede any prior enactments, whether written or not, governing these areas. The Town Board or the Town Supervisor, as needed, may incorporate supplemental policies and protocols not mentioned in this manual.

The purpose of this manual is to communicate the Town of Guilderland's personnel policies and practices to all of its employees. It is extremely important that our employees understand the policies that relate to benefits, employment classifications, rules, regulations, pay policies, personnel practices and work standards. An employee should not hesitate to contact his/her Department Head if there are any questions about this manual.

The Town of Guilderland prides itself on being a highly professional organization. Our employees must demonstrate professionalism at all times in all areas. Employees of the Town are members of a team dedicated to serving the interests and needs of the residents of the Town. Employees shall demonstrate professionalism in their knowledge of their jobs, appearance, conduct and relationships with co-workers at all times and shall comply with and support the policies and practices set forth in this manual. All new full-time and part-time employees, appointed Department Heads and elected officials shall be provided a copy of this manual on their first day of work. Upon modification of this manual, every employee shall be provided with updated pages reflecting any such modifications. Every person employed by the Town who is provided a copy of this manual will be deemed to be familiar with its contents. The Human Resource Department shall be responsible for distributing this manual and updates.

103 CHANGES OR MODIFICATIONS

The Town Board of the Town of Guilderland reserves the right to interpret, change or modify any section of this manual. The employee benefits, personnel policies, procedures and rules of this manual will remain in effect until changed by any of the following: Town Board Resolutions and/or enactment of Federal, State, County and Town laws or ordinances. Any changes will be distributed by the Human Resource Department to current and new Town employees.

200 EMPLOYMENT MATTERS

201 GENERAL EMPLOYMENT INFORMATION

Appointments and General Hiring Practices

It is the intent of the Town of Guilderland to comply with the Federal and State laws regarding employment regulations for Town employees. In addition, it is the intent of the Town of Guilderland to comply with the New York Town Law and, where applicable, the New York State Civil Service Law regarding appointment of officers and employees of Town government. Only the Town Board has the authority to appropriate funds for town purposes, including salary appropriations for Town employees.

202 CHANGE IN STATUS

Employees are responsible for keeping the information in their personnel files up to date. Change of name, address, telephone number, personal status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency are very important for insurance, retirement and tax purposes, and must be reported immediately. Please notify the Human Resource Department when changes occur in any of these or other matters.

203 NON-DISCRIMINATION POLICY

The employment policies of the Town of Guilderland fall within the standards set by the Equal Employment Opportunity Act of 1972, Human Rights Laws, the Rehabilitation Act of 1973, and the Americans With Disabilities Act (ADA) of 1992. The Town affirms its commitment to grant equal employment opportunity to all qualified persons without regard to age, race, religion, sex, national origin, citizenship, marital status, the presence of a medical condition or disability, or any other legally protected status. All decisions for employment, advancement, upgrading of positions, transfer, layoff, termination, promotion and training are made on the basis of merit, aptitude, prior working experience, educational achievement and the general skills which are required to do the job.

In accordance with your rights under the ADA, the Town evaluates the capabilities of each person individually, rather than making assumptions about what a person with a disability can and cannot do

based upon some general understanding. The Town will make a good faith effort to prepare and/or evaluate reasonable accommodation options. The Town will not be liable for failing to provide an accommodation that is not requested in writing.

In the event a job applicant or employee feels they have been discriminated against, a written complaint may be filed with the Town Supervisor. An investigation will be conducted, and the findings of the investigators will be disclosed in a timely manner.

204 SEXUAL HARASSMENT POLICY

Section 1 - Overview

It is the policy of the Town of Guilderland that all employees have a right to work in an environment free from discrimination, which encompasses freedom from sexual harassment. The Town of Guilderland strongly disapproves of sexual harassment of its employees, in any form, and states that all employees at all levels of the Town must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work and will be held responsible for insuring that the workplace is free from sexual harassment.

Disciplinary sanctions will be enforced against any Town of Guilderland employee who is found to have engaged in prohibited conduct as defined herein; and against any supervisor who knowingly permits such conduct by employees under his or her supervision.

The Town of Guilderland will make all employees aware of this policy. Department Heads and supervisory employees shall take affirmative steps to ensure that all employees are informed of the Town of Guilderland policy on sexual harassment, to assist employees who complain of prohibited conduct and to maintain in each office a working environment free from sexual harassment.

Section 2 – Prohibited Conduct

Specifically, the Town of Guilderland prohibits the following:

- ❑ Unwelcome sexual advances.
- ❑ Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- ❑ Other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.
- ❑ Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
- ❑ Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Such conduct may result in disciplinary action up to and including dismissal.

Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel is also prohibited. This behavior includes, but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, offensive e-mails, off-color language or jokes, innuendos and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

Section 3 – Grievance Procedure

A. Complaints

Employees who have complaints of sexual harassment by anyone at work including any supervisors, co-employees, or visitors are urged to report such conduct to Town officials so that the Town of Guilderland may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisor. If the complaint involves the employee's supervisor or someone in the direct line of supervision or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go to the Town Supervisor or a member of the Town Board designated to act as an officer in such cases. The Supervisor and a Town Board member of the opposite sex shall be designated as Harassment Officers. In the case where there are no members of the opposite sex on the Town Board, the Town Board will designate one person of the opposite sex as a Harassment Officer.

Complaints will be investigated as expeditiously and as professionally as possible. Where investigations confirm the allegations, appropriate corrective action will be taken.

The Harassment Officers will make every attempt to maintain the information provided in the complaint and investigation process as confidentially as possible.

There will be no retaliation against employees for reporting sexual harassment or assisting in the investigation of a complaint. However, if after investigating any complaint of harassment or unlawful discrimination, the Harassment Officer learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

B. Investigation

The Harassment Officers shall, in a timely manner, interview all appropriate parties, examine relevant records and consult with any appropriate Town employee.

If the Harassment Officers deem it appropriate, the parties to the complaint may be brought together to attempt an informal resolution of the complaint in a manner satisfactory to both parties. Both the complainant and the person against whom the complaint is made shall be permitted to have counsel present at any interview or other proceeding.

C. Recommendation

Upon conclusion of the investigation and within 180 days after the complaint was brought, the Harassment Officers shall make written recommendation to the Town Board. Recommendation shall be one of the following:

- 1) A finding that no prohibited conduct occurred.
- 2) A finding that material facts in dispute be resolved by conducting a formal hearing.
- 3) A finding that no facts are in dispute and that prohibited conduct has occurred.
- 4) A finding that false information regarding the complaint was provided.

Copies of the written recommendation shall be mailed to all concerned parties.

The Town Board may, but need not, adopt the report. The Town Board shall also be free to pursue mediation or alternative dispute resolution including requiring informal appearances by the parties or witnesses.

D. Hearing

Upon adoption of the recommendation to conduct a formal hearing, or upon a written request of a party accompanied by a showing of material facts in dispute, the Harassment Officers shall conduct a formal hearing.

Such hearing shall provide an opportunity for parties and witnesses to be heard, shall be conducted so as to do substantial justice between the parties. The hearing shall be bound by statutory provisions or rules of practice, procedure, pleading or evidence.

E. Record

The record maintained with respect to each complaint of sexual harassment shall contain: the written complaint, any written statement produced during the investigation, the recommendation of the Harassment Officers if a formal hearing is conducted, a record thereof in a form determined by the Harassment Officers, the Harassment Officer's statement of findings of fact and conclusions of law, and the said officer's written determination. Such record shall be available to either party or the designee thereof.

Section 4 - Appeals

If any party is not satisfied with the outcome of the grievance procedure, appeal may be taken directly to the Town Supervisor or his/her designated representative, who may be an outside hearing officer retained on an ad hoc basis.

State and federal law also provide administrative and judicial remedies which may be pursued by filing a complaint with the Regional Office of the New York State Division of Human Rights, at 99 Washington Avenue, Albany or with the Federal Equal Employment Opportunity Commission.

Section 5 - No Retaliation

No Town of Guilderland employee shall be subject to retaliation or discrimination in any form as a result of bringing a complaint, testifying or assisting in a grievance brought pursuant to the procedures set forth herein.

Section 6 - Training

The Town of Guilderland shall make all Town employees aware of the program. The program shall be conducted so as to ensure that every employee understands the seriousness of the problem of sexual harassment, how to recognize and address it, rights and responsibilities under the law and the Town of Guilderland policy, and how to bring a complaint.

Section 7 - Dissemination

This policy is made part of the Town of Guilderland employee manual to be distributed to every Town Department and made available to every Town employee.

205 WORKPLACE VIOLENCE PREVENTION POLICY

Section 1 - Purpose

The Town of Guilderland (the "Town") is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard to the Town's staff and visitors. The goal of this policy is to promote the safety and well-being of all people in the Town's workplace. It is the further intent of this policy to ensure that everyone associated with the Town, including employees and visitors, never feel threatened by the actions or conduct of any employee or visitor. All Town employees are responsible for helping to create an environment of mutual respect for each other as well as for visitors, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment. In an effort to fulfill this commitment to a safe work environment for Town employees and visitors, this policy has been created.

Section 2 - Compliance with New York State Labor Law

This policy is designed to meet the requirements of New York State Labor Law §27-b and highlights some of the elements that are found within the Town's Workplace Violence Prevention Program. The process involved in complying with this law included:

A workplace evaluation that was designed to identify the workplace violence hazards to which Town employees could be exposed;

Establishing a committee made up of management and authorized employee representatives who will have an ongoing role of participation in the evaluation process, recommending methods to

reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations;

Establishing training programs for all Town employees. All Town employees will receive this mandatory training. All new Town employees will receive training as part of their new employee orientation training; and

Providing an Employee Assistance Program (EAP) for all Town employees. This EAP offers services to these employees and their eligible dependents. Town employees are encouraged to use the EAP whenever they feel the need for guidance in coping with life's difficulties. The EAP is a confidential service and can be reached by calling 518-465-3818.

Section 3 - Prohibited Conduct

The Town will not tolerate any type of workplace violence committed by or against Town employees or Town officials. Town Employees and Town officials are prohibited from making or encouraging threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making overt or veiled threatening remarks.
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress or intimidation.
- Intentionally damaging or threatening to damage Town property or property of a Town employee or visitor; or
- Possession of a weapon or facsimile thereof while on Town property or while on Town business.

Section 4 - Reporting Procedure

All Town personnel are responsible for providing notification of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received as follows:

A. Emergencies

A situation is considered an emergency if an injury has occurred, or there is an immediate threat of physical harm or injury.

B. Procedure

1. The Town employee should consider his or her personal safety first;
2. The Town employee should immediately call the Town police at 356-1501 or dial 911; and
3. The Town employee should promptly notify his or her department head of such situation.

C. Non-emergencies

A situation is considered a non-emergency if no injury has occurred, there is no immediate danger, but the words or gestures of one person have induced fear of physical harm in another person.

D. Procedure

1. The Town employee should promptly inform his or her department head of such situation; or
2. If the Town employee feels uncomfortable reporting such a situation to his or her department head or feels that it has not been adequately addressed, such situation should be reported to the Town Supervisor or the Town Personnel Administrator.

Section 5 - Investigation

All reported threats, threatening behavior, or acts of violence against Town employees, visitors, guests, or other individuals by anyone on Town property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. Should the Town determine it necessary to interview the employee alleged to be committing the prohibited conduct where the employee is a member of a union recognized by the Town, the employee shall be notified of his or her right to be accompanied by a union representative at such interview.

Section 6 - No Retaliation

The Town, as the employer, will not retaliate against any employee who has, in good faith: (i) reported an alleged serious violation; (ii) requested an inspection by the Department of Labor; or (iii) accompanied the Department of Labor officials during the inspection. On the contrary, the Town shall take appropriate disciplinary action against any employee who has not acted in good faith or whose actions are retaliatory in nature.

Section 7 - Risk Reduction Measures

While Town employees or Town officials are not expected to be specifically skilled at identifying potentially dangerous persons, Town employees are expected to exercise good judgment and to inform his or her department head, the Town Supervisor or the Town's Personnel Administrator if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Examples of such behavior include:

- Discussing weapons or bringing them to the workplace.
- Displaying overt signs of extreme stress, resentment, hostility or anger.
- Making threatening remarks.
- Sudden or significant deterioration of performance.
- Displaying irrational or inappropriate behavior.

Section 8 - Police and Other Authorized Officials

The prohibition of possessing a weapon on Town property or on Town business shall not apply to any authorized peace officer or police officer, as defined in the New York State Criminal Procedure Law, or any authorized official of the County, State or Federal government in carrying out his or her official duties.

Section 9 – Enforcement and Penalties for Offenses

Any employee or Town official determined to have engaged in threats, threatening conduct, or any other acts of aggression or violence in the workplace will be subject to disciplinary action, as well as potential prosecution. Non-employees of the Town engaged in such violent acts on the Town's premises or against Town employees or Town officials will be reported to the proper authorities.

206 DRIVER'S LICENSES

Any employee who is required to drive either a Town-owned vehicle, or his/her personal vehicle to conduct business on behalf of the Town, must possess, at the time of appointment, and must maintain throughout employment, a valid New York State driver's license.

In addition, employees who are required to operate vehicles requiring a Commercial Driver's License (CDL) must obtain this license within one year of appointment and maintain this license throughout employment. Employees requiring a CDL license will also submit to random alcohol and drug testing. Department Heads will notify employees that have been selected for testing upon their arrival at work on the day of the test. Employees will be provided with appropriate documentation and will immediately report to the lab for testing.

If you are required to possess a driver's license in order to perform certain job duties and responsibilities, you must notify your Department Head immediately if your license is suspended or revoked. The loss or suspension of your license may have an effect on your employment with the Town, if required to perform certain job duties and responsibilities.

300 OPERATIONAL POLICIES

301 BUSINESS HOURS

Normal business hours are Monday through Friday from 9:00 A.M. to 4:30 P.M. Personnel assigned to various departments may have substantially different working hours and meal periods, contingent upon the needs of the department.

Working schedules are established by Department Heads taking into account normal business hours, departmental needs, and seniority considerations. Lunch policies vary by department. Sometimes service to the public requires a non-standard workweek, which may require some degree of flextime. Town employees should check with their supervisor for specifics.

Breaks are regulated by Labor Law and your Department Head. Town employees should consult with their supervisor for the departmental break policy.

In the event Town offices close early due to inclement weather, staff that is required to stay due to the nature of their positions will be paid their normal salary as if it were a regular day.

302 EMPLOYEE DESIGNATIONS

Because of the diversity of services provided by the Town of Guilderland, employees are defined and appointed to positions in various ways. The most common types of employee designations are as follows:

- 1) Full-time Employee-40 refers to employees who work 40 hours a week.
- 2) Full-time Employee-35 refers to employees who work 35 hours a week.
- 3) Permanent Employee-Part-time refers to those employees who work less than 35 hours per week year round.

303 TIME KEEPING

Employees shall maintain daily time records on a monthly basis of their service showing the number of hours worked each day. (See example on following page). Such records shall also show holidays, vacation leave, personal leave, sick leave, bereavement leave, jury leave, witness leave, worker's compensation leave and any other authorized or mandated paid or unpaid leave taken by such employee. Time records must be signed by the employee and certified by his/her supervisor and returned to the Town Supervisor's office on a monthly basis. Records should be turned in by the fifth day of the following month for which the record is being submitted (i.e. June time record due by July 5). An employee who actually works on a holiday may be eligible for two days vacation at a later date or may be paid time and one-half for the holiday.

James Smith	
NAME OF EMPLOYEE	
James Smith	6/1/06
SIGNATURE	DATE
Susan Jones	6/1/06
DEPT. HEAD SIGNATURE	DATE

MONTH	YEAR	VAC	SICK	PER	COMP
May	2006				
BALANCE		45	90	30	
TIME USED		16	8	0	
TOTAL		29	82	30	
TIME ACCRUED		8	8	0	
BALANCE		37	90	30	

DATE / DAY	TIME IN	TIME OUT	TIME IN	TIME OUT	TOTAL HOURS	TIME USED					TOTAL HOURS	COMP EARN'D
						HOL	VAC	SICK	PER	COMP		
05/01	8:00	4:30			8						8	
05/02	8:00	4:30			8						8	
05/03	8:00	4:30			8						8	
05/04	8:00	4:30			8						8	
05/05								8			8	
05/08	8:00	4:30			8						8	
05/09	8:00	4:30			8						8	
05/10	8:00	4:30			8						8	
05/11	8:00	4:30			8						8	
05/12							8				8	
05/15	8:00	4:30			8						8	
05/16	8:00	4:30			8						8	
05/17	8:00	4:30			8						8	
05/18	8:00	4:30			8						8	
05/19	8:00	4:30			8						8	
05/22	8:00	4:30			8						8	
05/23	8:00	4:30			8						8	
05/24	8:00	4:30			8						8	
05/25	8:00	4:30			8						8	
05/26							8				8	
05/29						8					8	
05/30	8:00	4:30			8						8	
05/31	8:00	4:30			8						8	

304 EMPLOYMENT ANNIVERSARY DATE

Normally your anniversary date will coincide with your original hire date, with the following exceptions:

Employees Converting from Part-time to Full-time

The employee's anniversary date becomes the date upon which the full-time, or part-time for employees working a minimum of 25 hours per week, status becomes effective for the purposes of determining allowable vacation time. For all other part-time employees, service credit may be granted for previous part time service. However, longevity will be determined based on the full time employment date, without regard to the previous part time service.

Breaks in Service

Full-time employees who have worked for the Town and who have left the Town for over a year and then return to service will use the rehire date as the date for determining longevity benefits.

305 RESOLVING WORKPLACE CONCERNS

Employees are encouraged to discuss problems and concerns with their immediate supervisors in order to maintain and promote good employer-employee relationships. If initial discussions with the employee's supervisor do not adequately settle the issue, it is encouraged that the employee contact the Human Resource Department and/or the Town Supervisor. All such matters are to be treated in the strictest confidence by all parties concerned.

400 ABSENCE POLICIES

401 TARDINESS

All employees of the Town of Guilderland are expected to be in their assigned areas of work on time. If an employee is likely to be late due to an emergency or otherwise, it is the responsibility of the employee to notify his/her immediate supervisor (preferably at the start of the scheduled shift or within two hours of the shift start) and convey their expected time of arrival.

On the first two infractions, verbal warnings may be appropriate, however, subsequent warnings should be in writing. All warnings, whether oral or written, should be documented in the employee's personnel file in the event that further action becomes necessary.

If an employee is late for reasons that are unacceptable to their Department Head, they may be subject to proper disciplinary action. Such action may include, but not be limited to, the reduction of pay, suspension, or a review for purposes of discharge.

402 MOONLIGHTING

Full-time employees of the Town are to consider their employment with the Town as their primary job. Such employees have the obligation to give the Town first consideration in all employment related matters such as performance, dependability, loyalty, hours of service and productivity. Employees may be permitted to engage in outside employment, provided that their outside employment does not create a conflict of interest or that it does not diminish the individual's productivity. Any full-time employee contemplating outside employment should confer with his or her Department Head prior to making any commitments to another employer. The outside employment shall be reported to the Human Resources Department on the attached Outside Employment Disclosure Form. (See example on next page.)

Town of Guilderland
Outside Employment Disclosure Form

Employee Name: James Smith Date: 6/1/06

Department: Highway Title: Foreman

Current work hours: 8am - 4:30pm

Name of organization applying for: ABC Restaurant

Title applying for: Server Hours: 6pm - 9pm

Brief description of duties:

I will be working as a server at the ABC Restaurant. My hours are 6-9pm and I will be working on Friday and Saturday evenings. Occasionally, I will work an evening during the week. This will in no way interfere with my full-time job at the Town of Guilderland.

Employee Signature: James Smith Date: 6/1/06

.....
Date Approved: 6/5/06

Name of Person Approving Employment: Susan Jones

Signature: Susan Jones

403 LEAVE WITHOUT PAY

- 1) Employees may be granted leave without pay where, in the judgment of the Department Head, there is justification for such leave and the granting of it will not inconvenience the operation of the department.
- 2) The length of the leave will be decided upon by the Department Head with the approval of the Town Supervisor and ratification by the Town Board.

404 JURY DUTY / WITNESS LEAVE

Jury leave is leave with full pay while on required jury duty in a court. Witness leave is leave with full pay for the purpose of appearing as a witness pursuant to a subpoena or other order issued by a court or government body having authority to do so in any proceeding in which the Town is a party or the employee is appearing due to his/her requirements of employment with the Town.

- 1) Employees who are served with a notice for jury duty or with a subpoena or order to appear as a witness shall notify their supervisor as soon as possible.
- 2) If an employee is excused from jury duty prior to the end of the working day, they should call their Department Head.
- 3) Employees using jury or witness leave shall submit a letter from the appropriate court clerk specifying the date(s) and times served on a jury or as a witness with the time records(s) where such leave was used. If the letter from the appropriate court clerk will not be provided until the jury duty or witness appearance is completed, the employee should attach a copy of the court summons for the jury duty or witness appearance to the time records and then, upon completion of their jury duty or witness appearance, submit the letter from the clerk to the Town Supervisor's office.

405 MILITARY LEAVE

A Federal employee who is a member of the National Guard or Reserves is entitled to 15 days (120 hours) of paid military leave under 5 USC 6323(a) each fiscal year for active duty, active duty training, or inactive duty training. In addition, employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation are entitled to 22 days of military leave. An employee on active duty or active/inactive duty training may choose military leave intermittently with leave without pay.

Any employee using military leave shall submit a copy of their orders with the time record(s) where such leave was used.

406 FAMILY MEDICAL LEAVE OF ABSENCE

Section 1 - Purpose

To outline the conditions and procedures under which an employee may request time off for a limited period, as required by the federally enacted Family and Medical Leave Act ("FMLA").

Section 2 - Definitions

- A. A "family and / or medical leave of absence" shall be defined as an approved absence available to eligible employees for up to twelve weeks of leave per year under particular circumstances. Leave may be taken:
1. Upon the birth of the employee's child;
 2. Upon placement of a child with the employee for adoption or foster care;
 3. When the employee is needed to care for a child, spouse or parent who has a serious health condition;
 4. When the employee is unable to perform the functions of his/her position because of a serious health condition; or
 5. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

Twelve weeks of leave may be take for the following qualifying exigencies:

- a) Short-notice deployment; b) Military events and activities; c) Child care and school activities; d) Financial and legal arrangements; e) Counseling; f) Rest and recuperation; g) Post-deployment activities; and h) Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

"Covered active duty" means: a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

6. Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

An employee whose son, daughter, parent or next of kin is covered servicemember may take up to 26 weeks in a single 12-month period to take care of that servicemember. Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

The term "covered servicemember" means:

- a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or

Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness” means:

a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after member became a veteran.

Note that an employee’s entitlement to leave for the birth, adoption, or placement for foster care expires at the end of the 12-month period beginning on the date of birth or placement unless the employer permits a longer time.

B. A “serious health condition” will be defined as any illness, injury, impairment or physical or mental condition that involves (but may not be limited to) the following:

1. any period of incapacity or treatment in connection with, or consequent to, inpatient care in a hospital, hospice or residential medical care facility; or
2. any period of incapacity that requires absence from regular daily activities of more than three (3) days and that involves continuing treatment by (or under supervision of) a health care provider.

C. “Leave” time may be paid or unpaid, see discussion below.

Section 3 - Responsibility

Each Department Head is responsible for ensuring that this policy is communicated to the employees. Questions regarding the intent and interpretation of this policy shall be directed to the Human Resource office.

Section 4 - Scope

The provisions of this policy shall apply to all covered family and medical leaves of absence for any part of the twelve (12) weeks of leave to which the employee may be entitled.

Section 5 - Eligibility

To be eligible for leave under this policy, an employee must have been employed for at least twelve (12) months or 52 weeks. The 12 months or 52 weeks need not have been consecutive and

separate periods of employment will be counted, provided that the break in service does not exceed seven years. The employee must have worked at least 1250 hours during the twelve (12) month period immediately preceding the commencement of the leave.

Section 6 – Leave of absence: Paid or Unpaid

- A. For the adoption or birth of child, or care of child, parent or spouse, an eligible employee must use accrued vacation, personal leave time and sick time.
- B. For an eligible employee's own serious health condition, the employee must use all accrued leave time, including sick leave.
- C. In the event the eligible employee has no accrued leave to his/her credit, the leave provided under this policy will be unpaid.

Section 7 – Extension of Leave

In the event an employee requires leave in excess of the 12-week maximum described herein, the Town Board may provide additional unpaid leave. Any employee on unpaid leave will be responsible for their medical coverage during any extended leave.

Section 8 – Permission and Documentation

A. The employer will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his/her position. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. The employer may require a second medical opinion and obtain periodic re-certification (at its own expense) only when the employer has reason to doubt the initial medical certification. If the first and second opinions differ, the employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employer and the employee.

- B. If medically necessary for a serious health condition of the employee or his/her spouse, child or parent, leave may be taken on an intermittent basis. Intermittent leaves are not permitted for birth or adoption, unless otherwise agreed upon by the parties.

In both A and B above, the Town may directly contact the employee's or the employee's family member's health care provider for verification or clarification purposed using an HR professional or leave administrator. Before the Town makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's or employee's family member's permission for clarification of individually identifiable health information.

- C. Spouses who are both employed by the employer are entitled to a total of twelve (12) weeks of leave (rather than (12) weeks each) for the birth or adoption of a child or for the care of a sick parent.

Section 9 – Notifications and Reporting Requirements

- A. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule leave so as not to disrupt operations of the employer. In cases of illness, the employee will be required to report periodically on his/her leave status and intention to return to work.
- B. The term “reasonable prior notice” shall mean not less than thirty (30) days notice or as soon as practicable.

Section 10 - Coverage

- A. Family leave may be granted for up to twelve (12) weeks during any twelve (12) month period.
- B. The employer may deny reinstatement to an employee who fails to produce a “fitness-for-duty” certification to return to work. This requirement applies only where the reason for the leave was the employee’s own serious health condition.
- C. Employees on authorized family leaves will be covered for those medical, dental, and other health insurance benefits (with the exclusion of any employee contributions, which must begin prior to family leave) under which they were covered prior to their leave.

In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence and the employee so notifies the employer, the employer may recover from the employee cost of the premium paid to maintain the employee’s health insurance coverage

Section 11 – Procedures

- A. Completion of Request for Family and Medical Leave of Absence Notice:
A request for Family and Medical Leave of Absence must be originated by the employee utilizing the approved form. This notice should be completed in detail, signed by the employee, submitted to the department head for proper approval, and forwarded to the Supervisor’s office. If possible, the notice should be submitted thirty (30) days in advance of the effective date of the leave.
- B. All requests for family and medical leaves of absence due to illness will include the following information:
 - 1) The date on which the serious health condition commenced;
 - 2) The probable duration of the condition;
 - 3) The appropriate medical facts within the knowledge of the health care provider regarding the condition.
- C. In addition, for purpose of leave to care for a child, spouse or parent, the medical certification should give an estimate of the amount of time that the employee is needed to provide such care.
- D. For purposes of leave for an employee’s own illness, the medical certification must state that the employee is unable to perform the functions of his/her position.
- E. In the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.

Section 12 – Return to Duty

An employee returning from leave as covered by this policy is entitled to the same position held when leave began, or an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

An employee who fails to return to work promptly at the expiration of the Family and Medical Leave or fails to obtain an approved extension will be notified that they have been considered to have resigned their employment.

Section 13 – Effect of Labor Agreement

It is the intent of the employer to provide the standards as articulated in the federal FMLA and as detailed herein. Additional information is available in the Human Resource Department.

Section 14 – Change in Policy

The Town reserves the right to modify this policy as necessitated by law.

This policy and any other policy which may come within the jurisdiction of the Family and Medical Leave of Absence provision shall be read in compliance with the Family and Medical Leave of Absence provision. The first 12 weeks of any leave shall be Family and Medical Leave of Absence leave if all conditions of Family and Medical Leave of Absence applicability are met.

407 EXCUSED ABSENCES

- 1) Blood donation – It is the policy of the Town to encourage participation in blood drives by employees who are eligible to donate. In order to further this policy, the Town, at the discretion of an employee's Department Head, may excuse time taken by an employee to donate blood and return to work up to an hour and one half per donation and not to exceed nine (9) hours annually without charge to leave credits. The Department Head may require that the employee provide written substantiation from the donation center that he/she actually donated blood during the excused absence.
- 2) Volunteer Fire Fighting and Emergency Medical Activities – It is the policy of the Town to encourage its employees to actively participate in volunteer fire fighting companies and EMS units in the community. In order to further this policy, the Department Head may excuse the leave for lateness of an employee who is a volunteer fire fighter or the lateness of an EMT because he/she was actively involved in an ongoing emergency without charge to leave credits. Written substantiation from the Fire Chief or Ambulance Crew Chief that he/she was actively involved in an ongoing emergency situation during the excused time will be needed. Such excused time shall not exceed fourteen (14) hours annually.
- 3) Screening for Breast/Prostate Cancer – Chapter 111, of the Laws of 2007, allows every employee of any county, municipality, and school district, to absent him/herself from his/her duties of

employment for a period not to exceed four (4) hours annually to undertake a screening for breast cancer. It also allows up to an additional four (4) hours leave annually for screening for prostate cancer. The entire period of the leave of absence granted shall be excused leave and “shall not be charged against any other leave such employee is entitled to.”

408 UNAUTHORIZED ABSENCE

Unauthorized absences occur when an employee fails to follow proper procedures as established by Town policy for leaves and absences, and will subject the employee to disciplinary action, including possible dismissal.

The responsibility for fulfilling proper procedures for any leave day rests solely with the employee.

In the event that a Department Head determines that an employee has been absent without leave or proper authorization, they shall commence an immediate investigation of the situation. In rendering decisions and recommendations, the entire attendance record of the employee may be used in making a determination for disciplinary action. After such investigation, the department head may recommend a penalty for unauthorized absence, which may include, but is not limited to the following:

<u>VIOLATION</u>	<u>PENALTY</u>
One day of absence	Loss of one day's pay
Two to four days absence	Suspension without pay
Five or more days absence	Review for Dismissal

500 COMPENSATION

501 PAY PERIOD

Employees of the Town are paid bi-weekly on Fridays. The annual compensation to be paid to employees shall be payable in equal bi-weekly installments over the calendar year. Compensation of employees hired with the understanding that they will be on the payroll for less than a calendar year shall be payable to them in equal bi-weekly installments over their anticipated employment period. Time and one-half will be paid for hours worked over 40 hours in any one week or over 8 hours in any work day if the employee has no prior approved vacation and/or personal leave in the same week. However, straight time will be paid for the time worked over 40 hours in one week or 8 hours in one work day if the employee has had sick leave, vacation leave or personal leave during the same week.

502 AUTHORIZED CHECK PICK-UP / EARLY CHECK PICK-UP

The employee must notify his/her Department Head in advance for authorization of check pick-up by someone other than the employee. The authorized individual picking up a check for an employee must provide proper identification and must sign for it.

If an employee has a pre-approved vacation day scheduled on a payday, they may pick up their check on Thursday after 3pm, provided they have either given the Payroll Department advance notice in writing, or had their Department Head verbally make the request, by Wednesday of the payroll week. If the Payroll Department has no advance notice, the employee will not be able to pick up their check early.

503 TRAVEL EXPENSES

The Town shall reimburse employees for necessary and actual expenses incurred while traveling on Town business for meals, mileage, and lodging while away from the Town. Please contact the Comptroller's Office for current regional expense amounts.

It is the responsibility of each department head to approve the appropriateness for meals and lodging expenses incurred by employees while away conducting Town business.

The employee shall submit a claim form giving an itemized listing of expenses incurred.

NOTE: Receipts must accompany all requests for reimbursement. If receipts are not provided for other than meals, the Town will not reimburse the expense.

504 COMPENSATORY TIME

Compensatory time is time off to compensate for hours worked beyond the employee's normal workweek. The employee's supervisor will decide if an employee is to receive compensatory time or be paid for the time (at the usual rate).

- 1) Compensatory time may be used in increments of not less than 1 hour with a supervisor's prior approval.
- 2) Compensatory time may not be accumulated from year to year. This time shall be taken within 90 days of occurrence.
- 3) Compensatory time not used shall lapse and the employee is not entitled to any compensation for unused compensatory time.

505 SALARIES FOR PART-TIME EMPLOYEES

All part-time employees are assigned a title, which is an approved Civil Service title, and are required to submit bi-weekly payroll claim forms (see example on following page). Claim forms shall be signed by the employee and certified by his/her supervisor and returned to the Payroll Department no later than 12:00 p.m. on the Monday of the pay week. **Employees that are not considered full time, but work a minimum of 25 hours per week are eligible to accrue vacation, sick and personal time on a pro-rated basis.**

**PAYROLL CLAIM FORM
Town of Guilderland**

Home Dept.: HIGHWAY
Fund: DB 1000.0

Total Amt.:

Claimant's Name and Address:

JAMES SMITH _____

Identification No. _____

123 GREEN TERRACE _____

Hourly Rate _____

GUILDERLAND, NY 12084 _____

Total Hours _____
(to be completed by PR Dept.)

Date	Time Period	Description of Services	Total Hours
5/1/06	8:00 – 4:30	Raking leaves	8.00
5/2/06	8:00 – 4:30	Raking leaves	8.00
5/3/06	8:00 – 4:30	Road crew	8.00
5/4/06	8:00 – 3:00	Road crew	6.50
5/5/06		Out sick	0.00

I, *James Smith*, certify that the above account with the total hours of ____ is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied, that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

Signature: *James Smith* Date: *05/08/06*

DEPARTMENT APPROVAL

The above services were rendered or furnished to the municipality on the dates stated and the charges are correct.

Authorized Official: *Susan Jones* Date: *05/08/06*

506 LONGEVITY

When employees reach a certain level of longevity, there are increments that will be given to them in relation to their date of service. They are as follows:

Five (5) years \$250.00

Ten (10) years	\$750.00
Fifteen (15) years	\$1000.00
Twenty (20) years	\$500.00

507 EMPLOYEE PERFORMANCE APPRAISALS

It is the policy of the Town of Guilderland that employees receive regular feedback on their job performance, in order to help employees work at their maximum potential. Employees will be formally evaluated by their immediate supervisor on an annual basis.

SOME SUGGESTED EVALUATION CRITERIA INCLUDE:

- 1) JOB SKILLS AND KNOWLEDGE: How well does the employee perform their job?
- 2) QUALITY OF WORK: What is the quality of the employee's work?
- 3) STANDARDS: Does the employee's work meet or exceed departmental standards?
- 4) DEPENDABILITY: Is the employee on the job everyday? Does the employee complete work assignments on time?
- 5) PUNCTUALITY: Does the employee always get to work on time? Are appointments kept on time?
- 6) COOPERATION: Does the employee cooperate with their immediate Supervisor, the Department Head, the public, other employees? How well does the employee follow instructions?
- 7) ATTITUDE: What is the employee's attitude toward their job, their fellow employees and their department?
- 8) SAFETY: Does the employee use safety measures in performing their duties? Does the employee recognize potential safety hazards?

Written evaluations may form a part of the basis for awarding annual increments. Evaluations should be made in triplicate with one copy given to the employee, one retained in the Department Head's employee personnel file, and one copy to the Human Resource Department. The employee should sign the evaluation as an acknowledgement that they have seen and discussed the evaluation with their immediate supervisor and/or Department Head.

600 EMPLOYEE BENEFITS

601 HEALTH CARE BENEFITS

For non-contract employees, the Town shall provide CDPHP Health Insurance coverage, at the

employee's option, of 100% of the premiums for employees and 60% of the premiums for employee's dependents if employee is permanent or permanent part-time working over 20.00 hours per week hired prior to January 1, 1989 or 25 hours per week hired after January 1, 1989. The Town reserves the right to change co-pays or providers without prior notice.

Effective January 1, 2007, upon RETIREMENT under the New York State and Local Employees Retirement or the New York State Police and Fire Retirement System, employees with 20 or more years of service with the Town that retire after January 1, 2007, will have 100% individual coverage and 50% dependent coverage paid by the Town if they meet all other requirements for health insurance coverage. Employees with 10 years but less than 20 years of service with the Town will have 50% individual coverage and 35% dependent coverage paid by the Town if they meet the above requirements. At age 65, employees meeting the above requirements will have their Medicare Part "B" premiums paid by the Town based upon the same percentages as provided above. Surviving spouses will be eligible to receive Health Insurance at the current rate less their Medicare Part "B" Premium. However, Town employees retiring after August 1, 2007 will not have their Medicare Part "B" premiums paid by the Town.

Union employees' health insurance coverage is determined by contract.

602 DENTAL / INSURANCE BENEFITS

The following additional benefits, paid for entirely by the employee, unless otherwise stated, are available.

A) DENTAL BENEFITS

1) Guardian Dental (www.guardianlife.com)

Employees can join this dental program at any time; however, there are special limitations for late entrants. For information, contact the Human Resource Department.

B) INSURANCE BENEFITS

1) Short Term Disability Insurance-UNUM (www.unum.com)

For more information, contact representative Tanya Cox at 860-731-5630 or the Human Resource Department.

2) Accident Insurance- UNUM (www.unum.com)

For more information, contact representative Tanya Cox at 860-731-5630 or the Human Resource Department.

3) Critical Illness Insurance – UNUM (www.unum.com)

For more information, contact representative Tanya Cox at 860-731-5630 or the Human Resource Department.

4) Life Insurance-MetLife (www.metlife.com)

For more information, contact representative Kim Johnson at 800-357-8884 x 6064 or the Human Resource Department.

603 DEFERRED COMPENSATION PLAN

The Town offers an IRS Code 457, Deferred Compensation Plan for employees wishing to supplement their retirement benefits. Please contact the Human Resource Department for more information or Deferred Compensation directly at 1-800-422-8463/www.nysdcp.com.

604 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The EAP is a free service offered to all Town employees and their eligible family members. EAP benefits include professional counseling, financial, legal and eldercare/childcare referrals and counseling, personal development workshops and a 24-hour crisis hotline. The service is completely confidential. For more information, contact the Human Resource Department or Capital EAP at 518-465-3813/800-777-6531 / www.capitaleap.org. (username: Guilderland / password: eap)

605 DIRECT DEPOSIT

Employees may deposit their paycheck directly into the checking and/or savings account(s) of their choice. The direct deposit form can be found in the forms section of this manual. Please contact the Human Resource Department if you wish to take advantage of this program.

606 CREDIT UNION

The Town is a member of the Capital Communications Federal Credit Union and State Employees Federal Credit Union. Information regarding the credit union may be obtained in the Human Resource Department or visit their website at www.capcomfcu.org.

607 DISABILITY INSURANCE

Maximum payment by employee is \$1.20 per pay period.

608 SOCIAL SECURITY / MEDICARE

In accordance with federal regulations, Social Security and Medicare deductions are made from each employee's paycheck, and are then matched by the Town. Social Security is designed to protect employees if they can no longer work due to permanent disability, to protect a family in the event of the death of the principal wage earner, and to supplement retiree income. Descriptive materials on the Social Security System are available through the Albany Office of Social Security Administration.

609 WORKER'S COMPENSATION

The Town provides Worker's Compensation Insurance for all employees, to protect those who become injured on the job. It is the responsibility of each employee to report on-the-job injuries **immediately** to the Department Head, who is to forward copies of the accident report to the Human Resource Department. All injuries must be reported promptly, regardless of perceived severity.

The following information describes the general terms and procedures for a workers compensation claim, and is presented only to give you a basic understanding of what is involved. Actual administration is governed by the terms of workers' compensation law and of the insurance policy in force at the time of your injury.

Workers compensation covers both your direct medical expenses and a portion of your lost wages. If medical care is required to treat the injury, you should advise the provider that your care is covered by workers' compensation. The provider will bill their services directly to the insurance company. The injured employee is generally only eligible for lost wage payments if the duration of your injury is more than seven days; coverage begins on the 8th day of your injury. However, if your injury lasts more than 14 days, coverage goes back to day 1 of the injury. Compensation payments equal two-thirds of your average weekly wage, subject to the maximum under law.

If you have accrued leave time available, you may elect to receive your full salary via a leave payment, and the workers compensation benefit would be reimbursed directly to the Town. Upon receipt of the reimbursement, we will restore a portion of the time previously charged to your leave bank, equal to the pro-rated benefit received. Alternatively, if you elect to receive workers compensation benefits directly from the insurance company, you cannot draw upon accrued leave. In this case, you would also be responsible for paying those medical deductions directly that would have been automatically deducted from your paycheck.

Whenever an employee returns to work after being on Worker's Compensation (with a statement from their physician that they are able to resume full duties), formal notification must be made to the Department Head and to the Human Resource Department.

If an employee is unable to return to work due to an occupational injury and has been absent from work for a cumulative period of at least one year or more, the Town will separate an employee from their position in accordance with New York State Civil Service Law.

610 HOLIDAYS

The Town of Guilderland grants 12 1/2 paid holidays to full time employees, as annually designated by the Town Board at its organizational meeting. If the holiday falls on a Saturday, it will be observed on Friday. If it falls on a Sunday, the holiday will be observed on Monday. Holidays are as follows:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Columbus Day
President's Day	Election Day
½ day Good Friday or Passover	Veteran's Day
Memorial Day	Thanksgiving Day and following Friday
Independence Day	Christmas Day

In order to be paid for a legal holiday, it is necessary for all employees to work the workday before and the workday after the holiday, unless the Department Head authorizes time. In the event a person uses sick time for the workday before or the workday after a holiday, verification from a physician will be necessary in order to be paid for the holiday.

Employees who work on Election Day may choose some other day as their holiday but must notify their supervisor 7 days prior to the day.

611 VACATION

Vacation leave for full-time Employees-35 will be earned based on a monthly basis at a rate of 7 hours per month. Vacation leave for full-time Employees-40 will be earned on a monthly basis at a rate of 8 hours per month. Vacation leave for permanent Employees - Part-time will be earned on a monthly basis calculated at the same percentage per month as the part-time daily hours.

Vacation hours may not be used until the employee has worked at least six (6) months for the Town.

Vacation hours may not be used until they are earned.

Vacation hours charged against the employee's accrued hours will be charged in increments of no less than 3.5 hours for Employees-35 and 4 hours for Employees-40. A full day taken will be charged as 7 hours for Employees-35 and 8 hours for Employees-40. Permanent Employees-Part-time will be charged no less than one half day calculated at the same rate as the employee's part-time daily hours.

The employee first completes a "leave" request, which must be approved by the employee's immediate supervisor. This request must be made at least 7 days prior to the beginning of leave. Approval is at the discretion of the Department Head. (See request form on following page.)

Employees with five (5) or more years of service with the Town shall receive additional vacation credits as follows:

<u>Years of Service</u>	Number	<u>Additional Vacation Credits (in hours)</u>	
		35 hr/wk	40 hr/wk

	<u>of days</u>	<u>employee</u>	<u>employee</u>
5	1	7	8
6	2	14	16
7	3	21	24
8	4	28	32
9	5	35	40
10	6	42	48
11	7	49	56
12	8 (max)	56 (max)	64 (max)

Vacation hours may be accumulated up to 280 hours or 40 days for Employees-35, 320 hours or 40 days for Employees-40, part-time calculated at the same percentage as their part-time daily hours worked.

Compensation for unused vacation hours will be paid when an employee leaves Town employment up to a maximum of 40 days or 280 hours for Employees-35, 40 days or 320 hours for Employees-40 and 25 days for Permanent Employees – Part-time calculated at the same percentage as their part-time daily hours worked.

612 SICK TIME

Sick leave is leave with full pay for an employee absence due to his/her illness or disability. Sick leave may also be used (a) by an employee due to the illness of his/her spouse, child or parent or the illness of any person residing with the employee; and (b) for doctor and dentist appointments; and (c) by an employee to attend the funeral of relatives who are not members of his/her immediate family, as defined under Bereavement leave.

Sick leave for Employees-35 will be earned based on a monthly basis at a rate of 7 hours per month, 8 hours per month for Employees-40 and one day per month for Permanent Employees – Part-time daily hours worked.

Sick leave charged against the employees accrued hours will be charged in increments of no less than one (1) hour. A full day taken will be charged as 7 hours for Employees-35, 8 hours for Employees-40 and Permanent Employees – Part-time are calculated at the same percentage as their part-time daily hours.

Sick leave may not be used until the hours are earned. An employee must notify his/her supervisor of his/her illness within one (1) hour of the time their department opens.

After returning from sick leave, an employee will complete a “leave” form.

Sick leave may be accumulated up to 1190 hours or 170 days for Employees-35. For

Employees-40, sick leave may be accumulated up to 1360 hours or 170 days. For Permanent Employees – Part-time, sick leave may be accumulated up to the same percentage of days at their part-time daily hours worked. At the time of retirement, any unused sick time may be applied against health insurance premiums, if all other requirements of retirement are met, up to a maximum 1360 hours or 170 days for Employees-40; 1190 hours or 170 days for Employees-35. An employee may not apply sick time for “TIME OFF” before retirement. An employee may not be compensated for unused sick time hours when the employee leaves Town employment. In the event that the employee is sick at the time of retirement, they must submit documentation from the health care provider to the Town of Guilderland.

In the event of sick leave lasting more than 5 days continuously, the Human Resource Department can require documentation from a health care provider.

Maternity: Sick leave may be used by a mother to care for her newborn child or her newly adopted child during the thirty working days immediately following birth or adoption, or for illness or disability caused by pregnancy or childbirth.

Paternity: Sick leave may be used by a father to care for his newborn child or newly adopted child during the thirty working days immediately following birth or adoption.

TOWN OF GUILDERLAND
REQUEST FOR LEAVE

DEPARTMENT Highway

EMPLOYEE James Smith DATE 5/02/06

TYPE OF LEAVE: VACATION COMPENSATORY
PERSONAL SICK*
DEATH OTHER

IF COMPENSATORY: STATE DETAIL, DATE, AUTHORITY. _____

BEGIN LEAVE: 5/12 8:00 END: 5/12 4:30
(Date - Hour) (Date - Hour)

TOTAL LENGTH OF LEAVE: 1.0 _____
(Days) (Hours)

*I CERTIFY THAT THIS LEAVE WAS DUE TO:
Illness or off-duty injury which incapacitated me for duty: _____

Injury on duty: _____

Other, explain: _____

Medical, Dental or Optical Treatment by: _____
(Name of Doctor)

Susan Jones
(Signature of Supervisor)

James Smith
(Signature of Employee)

Data Entry Copy (White)

Supervisor Copy (Yellow)

Employee Copy (Pink)

613 LEAVE DONATION POLICY

The purpose of this policy is to set forth guidelines for the administration of leave donation. This policy covers all departments within the Town of Guilderland.

INTENT

The intent of the leave donation program is to provide a means to assist employees who, because of long-term personal illness, have exhausted their leave benefits and would otherwise be subject to a severe loss of income during a continuing absence from work. The program is not intended to supplement income which would result in compensation levels exceeding normal wages for employees who have other sources of substitute income such as that provided by disability insurance programs. It may, however, be used to supplement the Town disability program up to the normal wage.

ELIGIBILITY TO DONATE

In order to donate vacation credits, employees must meet the following eligibility criteria:

- ❑ Must have a minimum vacation balance of at least ten (10) days after making the donation.

There is no maximum number of days that can be donated to an individual employee so long as the individual donor has a vacation balance of at least ten (10) days after making the donation. The ten-day minimum is based on the donor employee's individual work schedule. For example, a full-time 35 hour a week employee must have 70 hours of vacation remaining; 40-hour a week employee must have 80 hours of vacation remaining; a 50-percent employee whose schedule is normally 18.75 hours per week must have 37.5 hours remaining. If an employee whose normal work day is 7 hours is donating to a person whose normal day is 8 hours, the recipient will receive a full 8 hours. There is also no maximum number of times a donor may make donations to an eligible recipient.

Donations must be made in full day (7 or 8 hour) units, regardless of the work schedule or percentage of the employment of the donor or the recipient. For example, both the employee on a compressed workweek schedule of four 10-hour days and the 50-percent employee who works five 4-hour days per week must donate in eight-hour day units.

The identity of donors may not be disclosed by management. Employees may not donate vacation credits that would otherwise have been forfeited. An employee who has submitted his/her resignation or retirement or who has received notice of termination of employment can only donate credits for which he/she can receive a lump sum payment upon separation. For example, the employee with a balance of 40 days who submits his/her resignation can only donate from the 30-day balance for which a lump sum payment will be made. If this employee donates five days, his/her lump sum payment will be 25 days.

ELIGIBILITY TO RECEIVE DONATIONS

In order to receive donated leave credits, an employee must meet the following eligibility criteria:

- ❑ Be eligible to earn leave credits;
- ❑ Have completed at least one cumulative year of Town service;
- ❑ Be absent due to a non-occupational personal illness or disability for which medical

documentation satisfactory to management is submitted as required;

- ❑ Have exhausted all leave credits (leave credits are deemed to be exhausted if the employee has a balance of less than the number of hours in the employee's normal work day);
- ❑ Be expected to continue to be absent for at least two bi-weekly periods following exhaustion of leave credits; and
- ❑ Must not have had any disciplinary actions or unsatisfactory performance evaluation within the employee's last three years of Town employment.

An employee's continuing eligibility to participate in this program must be reviewed by the personnel office at least every 30 days and more frequently, if appropriate. Current standards as to what constitutes medical documentation satisfactory to management for purposes of determining medical disability continue to apply.

In certain cases of intermittent absence in connection with catastrophic illness, the Town may waive the two bi-weekly payroll period continuous absence requirement. (If for example, there are treatments necessitating frequent short-term absences from work.) In no event may any exception be granted to the requirement that all leave credits be exhausted.

NOTIFICATION OF NEED

An employee in need of donated credits will first be notified by his/her Department Head at least two weeks before his/her leave credits are exhausted.

STATUS OF RECIPIENTS

Recipient employees are deemed to be in leave without pay status for attendance and leave purposes while charging donated leave credits. They cannot earn monthly leave accruals or observe holidays nor do they receive personal leave or vacation bonus days. In such cases, the anniversary date changes to the date of return to work. The vacation anniversary date is adjusted if the period of continuous absence using donated leave/leave without pay exceeds six continuous months. If such period is less than six months, the employee retains the same vacation anniversary date and is credited with vacation bonus days upon return to work (this does not apply to those departments with bargaining units.)

While charging donated credits, the employee continues to have health insurance premiums, retirement contributions and other payroll deductions withheld from his/her paycheck so long as the paycheck is in an amount sufficient to cover these deductions.

Employees using donated leave continue to receive retirement service credit for days in pay status.

SOLICITATIONS

Donations may be solicited by the recipient employee on his or her behalf, by coworkers or by union representatives, if applicable, by submitting a memorandum through the Department Head. The Department Head will in turn notify other employees of the need by simple memorandum. The employer may not solicit donations on the employee's behalf. While the employer is expected to cooperate with those soliciting on an employee's behalf with respect to responding to inquiries concerning an employee's eligibility to participate in the program, the employer may not release any medical information.

PROCESSING DONATIONS

The Town's Human Resource Department is responsible for reviewing eligibility of recipient and donor employees. The Town should not automatically assume that an employee wishes to receive leave donations. Employees must indicate their wish to participate in this program to his/her Department Head.

Donation forms should be date stamped upon receipt in the Human Resource Department. The Human Resource Department should verify donor eligibility upon receipt and deduct days donated from donor's time records (with the notation "LDP" for Leave Donation Program").

If the recipient employee is separated from services or returns to work and no additional absences are anticipated, the Town should return unused days to any donor whose donation was not fully utilized. Notification of returned credits should be in writing. A form for use by employees who wish to donate vacation credits will be used (Attachment A). Donation activity should be recorded on the Leave Donation Log (Attachment B).

LEAVE DONATION FORM

Susan Jones

Name/Title of Donor Employee

James Smith

Name of Recipient Employee

Transfer Station

Donor Employees' Department

16

No. of Vacation Days Donated

I hereby authorize the Human Resource/Payroll Office to deduct from my vacation balance the number of days indicated above to be used as sick leave by the recipient named above. I certify that the days donated are not days I would otherwise forfeit and that this donation does not cause me to drop below a balance of ten (10) days of vacation as of the date this donation was submitted.

1/31/06

Date

Susan Jones

Signature

CONFIDENTIAL RECORD

Attachment A

LEAVE DONATION LOG										
RECIPIENT:		James Smith			DEPT: Highway					
Days per Week Worked:		5			Hours Worked Per Day:		8			
Total Town Svc (yrs/mos):		12 - 5								
		# Days	37							
Names of Donors		Date	Donated	1	2	3	4	5	6	7

614 PERSONAL DAYS

Personal time is leave with full pay to enable employees to attend to personal business, including religious observance, appointments, etc. Such time is intended to provide employees with time to conduct their necessary personal affairs.

Personal time will be earned at a rate of 5 days per year. The “day” is dependent upon the number of hours presently worked daily. Personal time will be granted at the beginning of each calendar year except that new employees will receive personal time pro-rated from the date of employment to the end of the year. Personal time may be used in increments of not less than 1 hour with supervisor’s prior approval, and may be utilized immediately by new employees. Personal time remaining at the end of the year may be converted to Vacation or Sick time.

615 BEREAVEMENT TIME

Bereavement leave is leave with full pay the equivalent of three days for the purpose of attending the funeral, for religious observance or for such other purpose relating to the death of an employee’s immediate family.

- 1) For such purpose the term “immediate family” shall mean a spouse, child, child’s spouse, sister, brother, parent, grandparent, grandchild, mother-in-law or father-in-law of the employee and shall also include any person residing with the employee.
- 2) With a supervisor’s permission, sick leave or personal time may be taken in conjunction with the bereavement leave, if needed.

616 EDUCATIONAL BENEFITS

The Town will reimburse the employee for work-related college courses when the grade of “C” or better is earned, up to a maximum of \$1,000 per year. Approval of the course as work-related must be given by the employee’s immediate supervisor before the course has begun. If the course is only given in the daytime, personal time may be taken or the time lost from work must be made up. To be eligible for

educational benefits, the employee must be with the Town for at least 6 months and have successfully completed the probationary period prior to starting the course.

617 CONFERENCES AND CONVENTIONS

The Town recognizes the benefits that can be derived from continuing education through an employee's attendance at seminars, conventions and conferences. As such, the Town authorizes time off with pay based upon the following criteria:

1. Will the employee's participation to the event yield benefits for the Town?
2. Will the employee's participation enhance their knowledge or professional expertise in their immediate work?
3. Can the department afford the cost?
4. Will the employee's absence impede their department's effectiveness/operations?

Any employee wishing to attend a special event such as described above shall obtain their supervisor's approval and then submit such request in writing to the Town Supervisor.

Any employee wishing to attend a special event without the prior approval of their supervisor and the Town Supervisor shall do so at personal expense. No reimbursement will be made by the Town for expenses incurred and no payment will be made toward the employee's regular salary. Such time may be deducted from the employee's accrued leave bank.

618 NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

The Town of Guilderland is a member of the New York State and Local Retirement System. Full-time employees of the Town must become members of the retirement system. Participation is optional for those not working on a full time basis. Part-time employees who are NOT interested in membership in the retirement system must sign a waiver.

Applicable forms can be found in the forms section of this manual. The forms must be completed and submitted to the Human Resource Department to apply for participation in Employee's Retirement System (ERS). The Human Resource Department will administer all ERS contributions through the Town payroll.

For employees hired on or after September 1, 1983, 3% of the gross salary will be contributed by the employee for the first ten years of public employment.

Forms relating to loans, benefits, address and beneficiary changes, etc. are available in the Human Resource Department.

If you have any specific questions about the benefits you are entitled to, ERS requires that you contact them directly at (518) 474-7736. To protect your rights of confidentiality, ERS will not discuss your account with the Human Resource Department. If any action is required based on your discussions

with ERS, they will contact the Human Resource Department and initiate the necessary change.

700 TOWN POLICIES AND PROCEDURES

701 DRESS CODE

While it is not the Town's intention to dictate the personal wardrobe of employees, the appearance and dress of employees are important in creating a favorable image which is supportive of the public confidence. In general, employees are encouraged to maintain their personal appearance and hygiene in a manner that will reflect a good image to the public, in accordance with departmental rules. While a more casual dress code is acceptable on Fridays for employees who work at Town Hall, under no circumstances will jeans, tank tops, sweat pants or shorts be allowed.

For employees required to wear uniforms supplied by the Town, the uniforms must be worn during working hours (and only during working hours), and must be kept in clean condition.

702 DRUG FREE WORKPLACE

It is the intent and obligation of the Town to provide all employees with a drug-free workplace, in order to create a safe and secure work environment. Drugs are defined as any substance whose use or possession is illegal. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. This requirement prohibits the use of alcohol or any other drug during your work time, including breaks and meal periods. The unlawful manufacture, distribution, dispensation, possession, or use of prohibited or unlawful substances on Town premises or while conducting Town business off Town premises are absolutely prohibited. Violations of the policy will result in disciplinary action, up to and including termination, and may have legal consequences.

As required by the Omnibus Transportation Employee Testing Act of 1991, all commercially licensed drivers (CDL) who operate a commercial motor vehicle for the Town are subject to the Town's Substance Testing Policy. All employees operating under a CDL license will be tested on a random basis. The employee's department head will notify and provide him/her with specific documentation on

the day testing is to take place. The employee will report to the testing center immediately upon this notification.

The Town recognizes substance abuse or drug dependency as an illness and a major health problem. The Town also recognizes substance abuse as a potential health, safety and security problem. The Town will make an effort to work with an employee and to support his/her efforts to return to full employment by taking the following actions:

- ❑ The Town will inform the employee of available counseling services.
- ❑ The Town will provide the employee with a firm choice between treatment and discipline.
- ❑ The Town will afford an opportunity for outpatient treatment, or inpatient treatment if the outpatient treatment is not successful. Failure to participate in treatment, or continued drug use, will result in proper disciplinary action.

These actions will be deemed a reasonable accommodation for an employee's substance dependency, accordingly, if the employee is not responsive to our efforts to assist them, s/he will be discharged for any further misconduct.

Employees must, as a condition of employment, abide by the terms of the above policy and report any arrest for any offense that is a violation of any of the subdivisions of section 1192 or 1194 of the Vehicle Traffic Law (alcohol related offenses), a violation of any of the subdivision of sections 220 (controlled substance related offenses) and 221 (marijuana related offenses) of the penal law, or any crime. A report of an arrest must be made within five days after the arrest. Should an employee be arrested for any of the above-referenced offenses, the Town may impose disciplinary action, which may consist of a written warning, and may range up to and including termination. Employees whose job duties include driving a vehicle must report any license revocations, suspensions or restrictions to their supervisors within 24 hours.

703 E-MAIL USE POLICY

Section 1 - Purpose and Goals

E-mail is one of the Town of Guilderland's core communication methods. The purpose of this policy is to ensure that the Town's e-mail system is used to support Town business functions. This policy advises staff and management of their responsibilities with regard to the use of e-mail and provides guidance in managing information communicated by this method.

Section 2 - Access to E-mail Services

E-mail services are provided to all PC users connected to a Local Area Network.

Section 3 - Use of E-mail

E-mail services, like other means of communication, are to be used to support Town business. Staff may use e-mail to communicate outside of the Town when such communications are related to legitimate business activities and are within their job assignments or responsibilities. Staff may not use e-mail for illegal, disruptive, unethical or unprofessional activities or for personal gain, or for any purpose that would jeopardize the legitimate interests of the Town.

Section 4 - Privacy and Access

E-mail messages are not personal and private. The Town will not routinely monitor individual staff member's e-mail and will take reasonable precautions to protect the privacy of e-mail. However, Network managers and technical staff may access an employee's email:

- ❑ for a legitimate business purpose (e.g., the need to access information when an employee is absent for an extended period of time) ;
- ❑ to diagnose and resolve technical problems involving system hardware, software or communications; and/or
- ❑ to investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an appropriate investigation.

A staff member is prohibited from accessing another user's e-mail without his or her permission.

E-mail messages sent or received in conjunction with Town business may:

- ❑ be releasable to the public under the Freedom of Information Law;
- ❑ require special measure to comply with the Personal Privacy Protection Law.

All e-mail messages, including personal communications, may be subject to discovery proceedings in the legal actions.

Section 5 - Security

E-mail security is the responsibility of e-mail users. Users must take all reasonable precautions, including safeguarding and changing passwords, to prevent the use of the account by unauthorized individuals.

Section 6 - Management and retention of e-mail communications:

A. *Applicable to all e-mail messages and attachments:* Since e-mail is a communications system, messages should not be retained for extended periods of time. Users should remove all e-mail communications in a timely fashion. If a user needs to retain information in an e-mail message for an extended period of time, he or she should transfer it from the e-mail system to an appropriate electronic or other filing system. The Town is authorized to remove any information retained in an e-mail system that

is more than 60 days old. Users will be notified prior to this action to give them the opportunity to save any message they need to retain.

B. *Applicable to records communicated via e-mail.* E-mail created in the normal course of official business and retained as evidence of official policies, actions, decisions or transactions are records subject to records management requirements under the Arts and Cultural Affairs Law and specific program requirements.

Examples of message sent by e-mail that typically are records include:

- policies and directives,
- correspondence or memoranda related to official business,
- work schedule and assignments,
- agendas and minutes of meetings,
- drafts of documents that are circulated for comment or approval,
- any document that initiates, authorizes or completes a business transaction,

final reports or recommendations.

Some examples of messages that typically do not constitute records are:

- personal messages and announcements,
- copies or extracts of documents distributed for convenience or reference,
- phone message slips,
- announcements of social events.

C. *Record Retention:* Records communicated using e-mail need to be identified, managed, protected and retained as long as they are needed to meet operational, legal, audit, research or other requirements. Records needed to support program functions should be retained, managed and accessible in an existing filing system outside the e-mail system. Records communicated via e-mail will be disposed of within the record keeping system in which they have been filed in accordance with a Records Disposition Authorization (RDA) approved by Records Management Officer. Department heads should consult with the Records Management Officer concerning RDAs applicable to their department's records.

Users should:

- dispose of copies of records in e-mail after they have been filed in a record keeping system;
- delete records of transitory or little value that are not normally retained in record keeping systems as evidence of town activity.

Section 7 - Roles and Responsibilities

The Town will insure that policies are implemented by Department Heads. Department Heads will develop and/or publicize record keeping practices in their area of responsibility including the routing,

format and filing of records communicated via e-mail. They will train staff in appropriate use and be responsible for ensuring the security of physical devices, passwords and proper usage.

The Town Clerk's Office shall be responsible for backup and disaster recovery.

All e-mail users should:

- be courteous and follow accepted standards of etiquette.
- protect other's privacy and confidentiality.
- consider organizational access before sending, filing or destroying e-mail messages.
- protect their passwords.
- remove personal messages, transient records and reference copies in a timely manner.
- comply with Town policies, procedures and standards.

Section 8 - Policy Review and Update

The Town will periodically review and update this policy as new technologies and organizational changes are planned and implemented. Questions concerning this policy should be forwarded to the Town Supervisor.

704 INTERNET USE POLICY

This policy is to ensure that Internet facilities are to support Town business functions. This policy advises staff and management of their responsibilities with regard to the use of the Internet and provides guidance in managing information obtained or communicated by this method.

The connection to the global Internet and the World Wide Web exists exclusively to facilitate the official work of the Town of Guilderland. The Internet facilities and services will contribute broadly to the missions of the Town and it's various programs.

Section 1 - Access to the Internet

Access to the Internet is provided primarily through the Town's existing Local Area Network (LAN) structure, and to a lesser degree, through dial-up connections utilizing third party providers.

These Internet facilities are provided only for employees and persons legitimately affiliated with the Town for the efficient exchange of information and for the completion of assigned responsibilities consistent with the Town's statutory purposes.

It is the responsibility of each Department Head to determine which staff members should be provided with this access.

Section 2 - Principles of Acceptable Use

The use of Internet access facilities by any employee or any other person authorized by the Town must be consistent with this Acceptable Use Policy and with security policies.

Staff may use the Internet only when such use is related to legitimate business activities and is used to complete job assignments and official responsibilities. Specifically, users of the Internet are required to:

- ❑ respect the privacy of others. Users shall not intentionally seek information on, obtain copies of, or modify files or data belonging to other users, unless explicit permission to do so has been obtained;
- ❑ respect the legal protection provided to programs and data by copyright and license;
- ❑ protect data from unauthorized use or disclosure as required by state and federal laws and Town regulations;
- ❑ respect the integrity of computing systems. Users shall not use or develop programs that harass others or infiltrate a computer or computing system or damage or alter the software components of a computer or computing system;
- ❑ comply with other Town policies on computer, software and e-mail use. Specifically, no software obtained from any source, including the Internet, shall be installed or used on any computer or computing system of the Town without the prior authorization of the Town Supervisor;
- ❑ safeguard their accounts and passwords. Any user changes of passwords must follow published guidelines for good passwords. Accounts and passwords shall not be shared without prior authorization. Users shall report any observances of attempted security violations.

Section 3 - Unacceptable Use

It is not acceptable to use Town of Guilderland Internet access facilities for:

- ❑ activities unrelated to the Town's mission;
- ❑ activities unrelated to official assignments and/or job responsibilities;
- ❑ any illegal purpose or activities;
- ❑ transmitting threatening, obscene or harassing materials or correspondence;
- ❑ unauthorized distribution of network users of Town of Guilderland data or information;
- ❑ interference with or disruption of network users, services or equipment;
- ❑ private purposes such as marketing or business transactions;
- ❑ solicitation for religious and political causes;
- ❑ unauthorized not-for-profit business activities;
- ❑ private advertising of products or services;
- ❑ any activity meant to foster personal gain; or
- ❑ any other purpose that would jeopardize the legitimate interest of the Town.

Section 4 - Privacy

Pursuant to the Electronic Communications Privacy Act of 1986 (18 U.S.C. 2510, et seq.), notice is hereby given that there are no facilities provided by this system for sending or receiving private or confidential electronic communications. System administrators have full access to all mail and user

access requests. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

The Town reserves the right to log network use and monitor file server space utilization by users and assumes no responsibility or liability for files deleted due to violation of file server space allotments.

While there will not be routine monitoring of the content of electronic messages and communications, there will be regular review of usage logs to assure efficient performance and appropriate use. Records of Internet use and user activity will be maintained and periodically distributed to program managers for review.

Section 5 - Rights of the Town

The Town reserves the right to remove a user account from the network or restrict access to the Internet.

The Town will not be responsible for any damages, including the loss of data resulting from delays, non-deliveries or service interruptions caused by negligence, errors or omissions. The use of any information obtained is at the user's risk. The Town makes no warranties, either express or implied, with regard to software obtained from this system.

The Town reserves the right to change its policies and rules at any time. The Town makes no warranties (expressed or implied) with respect to Internet service, and it specifically assumes no responsibilities for:

- ♦the content of any advice or information received by a user or any costs or charges incurred as a result of seeking or accepting such advice;
- ♦any costs, liabilities or damages caused by the way the user chooses to use Internet access;
- or
- ♦any consequences of service interruptions or changes, even if they arise from circumstances under the control of the Town. The Town's Internet services are provided on an as is, as available basis.

Section 6 - Enforcement and Violations

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Town's Internet facilities and is not necessarily exhaustive. Questions about specific uses related to security issues not enumerated in this policy statement and reports of unacceptable uses should be directed to the Town Supervisor. Other questions about appropriate use should be directed to your supervisor.

The Town will investigate allegations of violations of the Internet Acceptable Use Policy on a case-by-case basis. Violations of this policy which are not promptly remedied will result in termination of

Internet access services for the person(s) at fault, and referral for other administrative actions as appropriate.

705 VIOLATIONS

All employees are required to acknowledge receipt of the Town's E-mail and Internet Use Policy, and to agree to follow the established guidelines. The guidelines are intended to clearly inform all users of appropriate uses of the Town's computer network, and to protect the integrity of the system's security, thereby minimizing downtime of the system. The policy is also intended to protect all employees from potentially being exposed to offensive material and behaviors.

Any employee who violates these rules or otherwise abuses the job-required use of the Town's E-mail or Internet system will be subject to corrective action, up to and including termination. If necessary, the Town also reserves the right to advise appropriate officials of any illegal activities.

706 USE OF TOWN GOODS, MATERIALS AND EQUIPMENT

Town Property

In recognition of the fact that all goods, vehicles, cell phones and equipment supplies and materials purchased by the Town are financed through public funds, all Town property is to be used solely for conducting Town business and solely for the benefit of the general public. The personal or private use of Town property is strictly prohibited. This prohibition extends to employees who may wish to use Town property and materials for volunteer, charitable or other outside organizations. Exceptions can be granted only by the Town Board.

Phone Usage

Town of Guilderland telephones are to be used for conducting Town business only. Non-emergency personal calls are to be kept to an absolute minimum. Long distance telephone calls of a personal nature are not permitted on Town telephones, and should be put on your personal calling card, in the event of an emergency. Personal calls detract from the proper conduct of your duties, and should be confined to your break time.

707 WORKSTATION SECURITY

Users are responsible for safeguarding their passwords for access to the computer system. ***Individual passwords should not be printed, stored online, or given to others.*** Users are responsible for all transactions made using their passwords; accordingly, care should be taken to protect your password from detection by others, and your password should be changed periodically. It is strongly suggested that all users log off the network when away from their desks for an extended time period.

Users may not access the computer system with another user's password. When it is necessary to have several people working on a common document, you should use shared folders (where the document can be accessed by others) in order to preserve password integrity.

708 VEHICLE USE POLICY

The Town Board of the Town of Guilderland adopts the following policy regarding vehicle use.

Section 1 – Town-Owned Vehicles

A current and valid New York State driver's license or commercial driver's license shall be required of each and every driver of a Town of Guilderland vehicle.

Each and every employee who is authorized to operate a town-owned vehicle shall have, on file with the Town Supervisor's office, a copy of a current, valid New York State driver's license or commercial driver's license.

Each and every employee of the Town of Guilderland who is authorized to operate a town-owned vehicle shall immediately notify the Town Supervisor's office upon any change in the status of their respective driver's license, suspension of the license or conviction for violation of the vehicle and traffic laws or arrest and/or conviction for DWI or DWAI.

The Town Board of the Town of Guilderland declares a "zero tolerance" policy regarding the operation of any Town-owned vehicle while under the influence of alcohol or illegal substances. Any town employee who is determined to have violated that policy by operating a Town vehicle while/or after drinking, or using illegal substances, shall be subject to termination.

Town employees who use medications prescribed by their physician which may impair their operation of a town vehicle, or employees who take over-the-counter medications such as cold/allergy medications and/or cough syrups, and where medications or syrups come with warnings which can indicate that "mechanical equipment should not be operated while using this medication" are to exercise discretion in the operation of any Town vehicle.

All Town-owned vehicles shall be assigned by the Town Supervisor's office, either for specific Town employees' use or for department use. Assignment of vehicles is discretionary and may be modified, at any time, by the Town Supervisor's office.

Town employees may be assigned to specific Town-owned vehicle(s) for use in the performance of their duties. This assignment shall be made through the Town Supervisor's office.

Department Heads shall insure that any Town-owned vehicle assigned to the department for use by departmental personnel is available on a daily basis for use by the department personnel. Regular maintenance shall be scheduled through the department. Except in extraordinary situations or where public safety and well-being is involved, any Town-owned vehicle shall be returned to the Town parking lot each night, with a full tank of gasoline.

A log shall be kept of each and every mile driven. The logbook for such records shall be kept with the vehicle for daily record keeping. On a monthly basis, the Department Head shall submit to the Supervisor's office a copy of the logbook for each vehicle assigned to his department, together with any receipts for service and gas expenses, and a certificate as to the miles used.

To the extent possible, each vehicle shall be filled with gasoline from a Town-owned pump.

Town-owned vehicles shall be operated for Town business only. All Town vehicles shall be operated in a safe manner at all times. All traffic regulations shall be complied with by any driver of a Town-owned vehicle.

Department Heads shall advise the central garage mechanic of the need for inspections, and/or repairs in a timely manner. Each vehicle shall be regularly inspected to insure that the vehicle is in proper and safe condition. If there is a question, the central garage mechanic shall be consulted.

Safety is the first priority in the operation of any Town-owned vehicle.

Seatbelts are to be used by both the driver and passenger(s) of Town-owned vehicles unless medical needs dictate otherwise.

No employee shall operate any Town-owned vehicle in a negligent or reckless manner.

Town-owned vehicles shall not be used to tow, push or jump-start another vehicle.

No unauthorized persons are to operate or ride in any Town-owned vehicle. No Town-owned vehicle shall be used for personal use of a Town employee.

Section 2 - Use of Personal Vehicles

Town employees shall not use their private vehicles in the performance of their official duties unless extraordinary conditions require it.

Extraordinary conditions may include temporary or permanent medical conditions, unavailability of a Town-owned vehicle or emergency circumstances. The consent of the Town Supervisor or his designee shall be obtained prior to the use of any employee's private vehicle for town purposes unless an emergency situation exists, in which case, consent shall be obtained afterward.

Section 3 - Defensive Driving

The Town shall sponsor a defensive driving course for Town employees at least once a year.

Town employees who operate Town-owned vehicles shall be required to take a defensive driving course at least once every three years.

The Town will reimburse a Town employee the cost of a defensive driving course, up to a maximum of twenty-five dollars, once every three years. Reimbursement application shall be made on a proper form, approved by the Department Head and contain a copy of proof of successful completion of the course.

709 SMOKING POLICY

In accordance with New York State Law, smoking is prohibited in all Town buildings and in all Town-owned vehicles.

Employees choosing to smoke will need to check with their supervisor to review the department's break policy. Smoking may be done outside, however, it is not permissible to smoke at the entranceway to any Town building. Please be sure to properly dispose of all cigarettes in an appropriate receptacle.

Employees in violation of this policy will be subject to disciplinary action by the Town, and may also be subject to the penalty prescribed by the State Commissioner of Health. Please refer any policy violations to your Department Head or immediate supervisor.

710 SOLICITATIONS / DISTRIBUTIONS

No employee may engage fundraising, or solicitation, of a personal nature during working hours. Displays and/or distributions of literature to co-workers are also prohibited.

Such materials do not need Department Head approval if distributed during non-working hours.

711 RESIGNATIONS / SEPARATION FROM SERVICE

Employee Resignation

Upon an employee's separation from service, he/she must complete the appropriate paperwork according to the protocols per the Human Resource Department.

Separation from Service

- ❑ Official letter of resignation is to be addressed and submitted to employee's supervisor at least 14 days prior to the effective date.
- ❑ If an employee is retiring, it is their responsibility to notify the New York State Retirement System several months prior to the effective date. Retirement packets are available in the Human Resource Department.
- ❑ Employee is to turn in any Town-owned keys to their supervisor.
- ❑ Employee is to return Town-owned equipment and/or supplies (i.e., cell phones, beepers, keys, uniforms, etc.), before final paycheck will be issued.
- ❑ Employee must provide their supervisor with employee's passwords.
- ❑ Employees are entitled to continued health insurance of their current plan under COBRA at 100% of the premium paid for by the employee. Please contact the Human Resource Department for more information.

712 LOCAL LAW NO. 6 FOR 2002

A LOCAL LAW TO AMEND THE LOCAL LAW OF THE TOWN OF GUILDERLAND BY DELETING AND REPEALING THE CODE OF ETHICS AND DISCLOSURE LAW OF THE TOWN OF

GUILDERLAND ADOPTED SEPTEMBER 19, 2000 AND REPLACING IT WITH A NEW CODE OF ETHICS AND DISCLOSURE LAW FOR OFFICERS AND EMPLOYEES OF GUILDERLAND TOWN GOVERNMENT

BE IT ENACTED by the Town Board of the Town of Guilderland as follows:

Section 1. Repeal of Existing Town Ethics Laws.

The Local Law of the Town of Guilderland is hereby amended by deleting and repealing the Code of Ethics and Disclosure Law adopted September 19, 2000 and by adding hereto a new local law to replace the local law herein above repealed, to be Local Law No. 6 of 2002, Town of Guilderland Code of Ethics and Disclosure Law.

Section 2. Supersession of General Municipal Law § 808

To the extent this local law is inconsistent with the provisions of section 808 of the General Municipal Law of the State of New York, this local law shall supersede those provisions.

Section 3. Title.

This local law shall be known and may be cited as the "Code of Ethics and Disclosure Law of the Town of Guilderland."

Section 4. Purpose; Interpretation.

A. The purposes of this local law are:

- (1) To establish high standards of ethical conduct for officers and employees, whether elected or appointed, paid or unpaid, of the Town;
- (2) To afford such officers and employees of the Town clear guidance on such standards;
- (3) To promote public confidence in the integrity of the governance and administration of the Town and its agencies and administrative offices;
- (4) To require public disclosure of financial interests and other interests or affiliations that may influence or be perceived to influence the actions of Town officers and employees;
- (5) To facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance the accountability of government to the people;
- (6) To insure that Town officers and employees, whether elected or appointed, paid or unpaid, be independent, impartial and free from conflicts of interest in fulfilling their public responsibilities; and
- (7) To provide for the fair and effective administration of this local law.

- B. This Code of Ethics represents a balancing of the need for eliminating real conflicts of interest with the recognition that membership in voluntary organizations devoted to public service is a laudable endeavor which should not be discouraged.
- C. This local law is enacted pursuant to section 806 of the General Municipal Law of the State of New York and section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law. This local law also supplements other provisions of law regulating ethics in local government, such as section 107 of the Civil Service Law of the State of New York.
- D. This local law shall be given its broadest possible interpretation under law, so as to implement its stated purpose.

Section 5. Ethics Law.

The following sections, numbered 100 through 217 are added to the Code of the Town of Guilderland:

PART A: SUBSTANTIVE PROVISIONS

§ 100. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this local law, the following terms shall have the following meanings:

1. "Appear" and "appear before" mean communicating in any form, including, without limitation, personally, through another person, by letter, facsimile, electronic mail, or by telephone.
2. "Confidential information" means any data acquired through the course of employment or public office which the Town has protected from disclosure by law or that is not protected from disclosure by law but poses or may pose a conflict of interest.
3. "Conflict of interest" means any action or omission which is in conflict or gives or may reasonably give the appearance of conflict with the performance of official town business or government.
4. "Corporation" means an artificial person or being, endowed by law with the capacity of perpetual succession, and shall include corporations organized as public, private, charitable, civil, domestic, foreign, close, open, municipal and not-for-profit institutions.

5. "Customer or client" means (a) any person to whom a Town officer or employee has supplied goods or services during the previous twenty-four (24) months having, in the aggregate, a value greater than One Thousand Dollars (\$1,000) or (b) any person to whom a Town officer's or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months having, in the aggregate, a value greater than One Thousand Dollars (\$1,000) but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.
6. "Ethics Board" means the Ethics Board of the Town established pursuant to section 203 of this local law.
7. Except as specifically set forth in section 103, "gift" and "financial benefit" shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, privilege, exemption or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.
8. "Ministerial act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.
9. "Outside employer or business" means:
 - (1) any activity, other than service to the Town, from which the Town officer or employee receives compensation for services rendered or goods sold or produced;
 - (2) any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or
 - (3) any entity in which the Town officer or employee has an ownership interest, except a corporation of which the Town officer or employee owns less than five percent (5%) of the outstanding stock.

For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

10. "Person" shall include both individuals and entities.
11. "Professional License" means a privilege granted by the State of New York to conduct an occupation or trade.
12. "Public Benefit Corporation" means a corporation organized to construct or operate a public improvement that is located partially or totally in New York State and the profits from this corporation benefit New York State or other states or the people of New York State.

13. "Relative" means a spouse, child, stepchild, brother, sister, or parent of the Town officer or employee, or a person claimed as a dependent on the Town officer's or employee's latest individual state income tax return, or the spouse of any such person.
14. "Town" means the Town of Guilderland but shall not include the Town court.
15. "Town agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town other than the Town Court.
16. "Town officer or employee" means any officer or employee of the Town, whether elected or appointed, paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town. Any attorney who is a partner in a law firm or a principal in a professional corporation whose legal opinion concerning the validity of the issuance of any debt instrument is generally provided in connection with the issuance of any bond or other instrument by the Town or any public benefit corporation whose members are appointed by the Supervisor or the Town Board shall be deemed a Town officer or employee. Town officer or employee shall not include:
 - (a) A judge, justice, officer, or employee of the unified court system; and
 - (b) Unless otherwise specifically listed on Exhibit "A", an advisory board of the Town if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the Town or to restrict the authority of the Town to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this paragraph.

§ 101. Code of Ethics for Town Officers and Employees.

1. General prohibition.

A Town officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

- (a) the Town officer or employee;
- (b) his or her outside employer or business;
- (c) a member of his or her household;
- (d) a customer or client;
- (e) a relative; or

- (f) any firm, corporation, association, partnership or other organization in which the Town officer or employee, or a relative, serves as an officer or director, whether compensated or not compensated.

2. **Specific Town officers and employees.**

- (a) Professionally licensed. All Town officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of Town interest which shall involve any person, firm or corporation which is a client of his/hers or a client of his/her firm or has been a client within the immediate past one (1) year and shall not knowingly have any interest in or accept compensation, direct or indirect, from any person, firm or corporation which has an interest in matters coming before any Town agency or before any public benefit corporation whose members are appointed by the Supervisor or the Town Board.
- (b) Authorized to conduct inspections and issue permits. All Town officers and employees with the authority to conduct inspections or issue permit approvals shall not engage in a business or have a financial interest in any firm engaged in a business within the Town where said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits.
- (c) Public Safety. No public safety officer shall have any interest in or be employed in the Town by any company, corporation, partnership, association or individual for the purpose of providing private investigations, accident reconstruction, fire prevention, or fire inspection or any other activity related to such public safety officer's employment with the Town. This shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the Town for the purpose of providing security or traffic services.

The foregoing Town officers and employees are listed due to the unique nature of his/her offices and positions which, in turn, raise ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every Town officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this local law, as well as the actual provisions, and strive to act so as not to raise suspicion among the public that he/she is likely to be engaged in activities that are in violation of his/her trust.

3. **Recusal.**

A Town officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons or organizations listed in subdivision 1 of this section.

4. **Gifts.**

Except as set forth in section 103, a Town officer or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the Town, nor accept anything of value from any person who the Town officer or employee knows, or has reason to know, has received or sought a financial benefit from the Town within the previous twenty-four (24) months. The purpose of this provision is to avoid circumstances where it could reasonably be inferred that the gift was intended to influence such Town officer or employee, or could reasonably be expected to influence such Town officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by such Town officer or employee.

5. **Use of Town property.**

No Town officer or employee shall use or permit the use of Town property (including land, vehicles, equipment, materials and any other property) for personal convenience or profit, except when such use is available to Town citizens generally or is provided as a matter of written Town policy.

6. **Intentionally Omitted.**

7. **Intentionally Omitted.**

8. **Confidential information.**

Town officers and employees and former Town officers and employees shall not disclose any confidential information or use it to further anyone's personal interests.

9. **Revolving door.**

A Town officer or employee who is required to file an annual disclosure statement pursuant to section 106, shall not appear or practice before the particular Town agency in which the Town officer or employee served or by which he or she was employed, except on his or her own behalf, or receive compensation for working on any matter before the particular Town agency in which the Town officer or employee served or by which he or she was employed, for a period of one (1) year after the termination of his or her Town service or employment; however, the bar shall be permanent for any Town officer or employee as to particular matters on which the Town officer or employee personally worked while in Town service that are still pending after the termination of his or her Town service or employment.

10. **Avoidance of conflicts.**

Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.

11. **Inducement of others.**

A Town officer or employee shall not induce or aid another officer or employee of the Town to violate any of the provisions of this Code of Ethics.

12. **Conflict with other codes of conduct.**

(a). Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the Town hereby requires that each Town officer or employee who is affected by a professional Code of Ethics be bound, in addition to the within local law, by his/her respective Codes of Ethics. Any conflict between the provisions of this local law and a given professional code of conduct of a Town officer or employee is to be resolved by the Ethics Board. However, the Ethics Board must, at all times, give the greatest latitude to said individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct.

(b). Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his/her profession. If need be, the Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

§ 102. Transactional Disclosure.

1. Whenever a Town officer or employee is required to recuse himself or herself pursuant to section 101 of this local law, he or she:

- (a) shall immediately refrain from participating further in the matter;
- (b) shall promptly inform his or her superior, if any; and
- (c) shall promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.

2. A Town officer or employee shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the Town Clerk a disclosure statement complying with requirements of section 105 of this local law.

§ 103. Exclusions from the Code of Ethics and from Transactional Disclosure.

The provisions of sections 101 and 102 of this local law shall not prohibit, or require recusal or transactional disclosure as a result of:

1. An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States;
2. A ministerial act;
3. Gifts:
 - (a) received by the Town officer or employee from his or her relative;
 - (b) having an aggregate value of Seventy-Five Dollars (\$75) or less during any twelve (12) month period; or
 - (c) accepted on behalf of the Town and transferred to the Town;
4. Gifts or benefits having a value of Seventy-five Dollars (\$75) or less that are received by a Town officer or employee listed in section 11-c of the Domestic Relations Law of the State of New York for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business;
5. Awards from charitable organizations; or
6. Receipt of Town services or benefits, or use of Town facilities, that are generally available on the same terms and conditions to residents or a class of residents in the Town.

§ 104. Inducement of Violations of Code of Ethics.

No person, whether or not a Town officer or employee, shall induce or attempt to induce a Town officer or employee to violate any of the provisions of sections 101 or 102 of this local law.

§ 105. Interests in Contracts with the Town.

1. Prohibited interests.

No Town officer or employee shall have an interest in a contract with the Town, or an interest in a bank or trust company, that is prohibited by section 801 of the General Municipal Law of the State of New York, unless said contract is entered into as a result of a competitive bidding process pursuant to section 85-2, paragraph B of the Code of the Town of Guilderland, regardless of the value of the contract. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by section 804 of that law.

2. Discloseable interests.

Any Town officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Town shall disclose, in writing, the nature and extent of that interest in accordance with section 803 of the General Municipal Law and promptly file such written disclosure with the Town Clerk. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

3. Violations.

Any Town officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 805 of the General Municipal Law.

§ 106. Appearances by Town Officers and Employees and Outside Employers and Businesses of Town Officers and Employees.

1. Except as provided in subdivision 3 of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before the particular agency in which the Town officer or employee serves or by which he or she is employed.

2. Except as provided in subdivision 3 of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before any other Town agency if the Town officer or employee has the authority to appoint any officer, employee, or member of the agency or to review, approve, audit, or authorize any budget, bill, payment, or claim of the agency, or if there exists any likelihood that such Town officer or employee may derive, directly or indirectly, a financial benefit as a result thereof.

3. Nothing in this section shall be construed to prohibit the outside employer or business of a Town officer or employee from:

- (a) Appearing on its own behalf, or on behalf of the Town, before a Town agency;
- (b) Seeking or obtaining a ministerial act; or
- (c) Receiving a Town service or benefit, or using a Town facility, which is generally available to the public.

§ 107. Annual Disclosure.

1. Town officers and employees required to file.

Town officers and employees holding the job titles or positions set forth on Exhibit "A" annexed hereto, or as amended from time to time by the Town Board, shall be required to file a signed annual disclosure statement.

2. Time and place for filing.

Annual disclosure statements shall be filed with the Ethics Board:

- (a) Within one hundred twenty (120) days after the effective date of this section;
- (b) Within thirty (30) days after becoming subject to the requirements of subdivision 1 of this section; and
- (c) No later than February 15 of each year thereafter.

3. **Contents of annual disclosure statement.**

- (a) Disclosure shall be set forth on the form as prescribed in Exhibit "B" annexed hereto, or as amended from time to time by the Ethics Board.
- (b) Any Town officer or employee required to file an annual disclosure statement may request one (1) or more items of information be redacted from his/her disclosure statement when said statement is made available to the public. In order for the Ethics Board to grant a request for redaction, the information sought to be redacted must have no material bearing on the discharge of the official duties of the Town officer or employee and, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section 89 of the New York State Freedom of Information Law or would otherwise likely endanger the life or safety of any person. A request for redaction shall be in the form as set forth in Exhibit "C" hereto, or as amended from time to time by the Ethics Board.

4. Extension of time for filing annual disclosure statement.

- (a) The Ethics Board shall be empowered to grant an extension of time for filing the annual disclosure statement. In order for the Ethics Board to grant a request for an extension of time to file the annual disclosure statement beyond the February 15 deadline, the Ethics Board shall find that there is justifiable cause for filing after the deadline or that application of the deadline will impose an undue hardship.
- (b) A request for an extension of time shall be filed with the Ethics Board on or before February 1 in the year for which the extension is sought, or in the case of a new Town officer or employee, no more than fifteen (15) days after such person commences his or her duties with the Town. A request for an extension to file shall be in the form as set forth in Exhibit "D" hereto, or as amended from time to time by the Ethics Board.

§ 108. Applicant Disclosure: Generally.

- 1. Where a person requests the Town or a Town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to such person

and to either, any officer or employee of the Town, or to one of the other persons listed in subdivision 1 of section 101 of this local law, such person shall disclose the names of any such persons, including Town officers or employees, that may financially benefit from such action or inaction by the Town or a Town officer or employee, to the extent known to such person at the time of the request.

2. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.

3. A person shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed a disclosure statement complying with requirements of section 109 of this local law.

§ 109. Applicant Disclosure: Land Use Applications.

1. Disclosure.

Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of the Town shall state the name, residence and nature and extent of the interest of any Town officer or employee in the person or entity making such application, petition or request, to the extent known to such applicant and as otherwise required by section 809 of the General Municipal Law of the State of New York.

2. Violations.

Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 809 of the General Municipal Law.

§ 110. Void Contracts.

Any contract or agreement entered into by or with the Town which results in or from a violation of any provision of sections 101, 102, or 106 of this local law shall be void unless ratified by the Town Board. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this local law or any other provision of law.

§ 111. Penalties.

1. Disciplinary action.

Any Town officer or employee who engages in any action that violates any provision of this local law may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this local law or in any other provision of law.

2. Civil fine.

Any Town officer or employee who violates any provision of this local law may be subject to a civil fine of up to One Thousand Five Hundred Dollars (\$1,500) for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this local law.

3. Damages.

Any person, whether or not a Town officer or employee, who violates any provision of this local law shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this local law.

4. Misdemeanor.

Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this local law shall be guilty of a class A misdemeanor and, upon conviction thereof, if a Town officer or employee, shall forfeit his or her Town office or employment.

§ 112. Injunctive Relief.

1. Any resident, officer, or employee of the Town may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the Town from violating this local law or to compel an officer or employee of the Town to comply with the provisions of this local law. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.

2. No action or special proceeding shall be prosecuted or maintained pursuant to subdivision 1 of this section, unless:

(a) the plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the officer or employee;

(b) it shall appear by, and as an allegation in, the complaint or petition filed with the court that at least six (6) months have elapsed since the filing of the complaint with the

Ethics Board and that the Ethics Board has failed to file a determination in the matter;
and

(c) the action or special proceeding shall be commenced within ten (10) months after the alleged violation occurred.

PART B: ADMINISTRATIVE PROVISIONS

§ 201. Designation of Town Officers and Employees Required to File Annual Disclosure Statements.

1. Within thirty (30) days after the effective date of this local law, and by March 15 each year thereafter, the Supervisor of the Town shall cause to be filed with the Ethics Board a list of the offices or positions of all Town officers and employees required to file annual disclosure statements pursuant to section 106 of this local law and file a copy of such list with the Town Clerk.

2. Within thirty (30) days after the effective date of this local law, and by January 15 each year thereafter, the Town Clerk shall notify all such Town officers and employees of their obligation to file an annual disclosure statement.

§ 202. Maintenance of Disclosure Statements.

1. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to sections 102, 105, 108, and 109 of this local law.

2. The Ethics Board shall index and maintain on file for at least seven (7) years all disclosure statements filed with the Ethics Board pursuant to sections 102, 105, 107, 108, and 109.

§ 203. Ethics Board: Establishment; Qualifications of Members; Appointment of Members; Term of Office.

1. There is hereby established an Ethics Board consisting of seven (7) members.
2. The members of the Ethics Board shall be residents of the Town.
3. No member of the Ethics Board may be a Town officer or employee.
4. Of the total membership of the Ethics Board, no more than two (2) shall be registered in the same political party.
5. No Ethics Board member shall hold office concurrently in a political party or be employed or act as a lobbyist or hold elective office in any local, state or federal government. An

Ethics Board member may make campaign contributions and may participate in any election campaign.

6. Within thirty (30) days after the effective date of this local law, and no later than December 31 each year thereafter, the Town Board shall appoint the members of the Ethics Board.
7. The term of office of Ethics Board members shall be three (3) years and shall run from January 1 through December 31, except that of the members first appointed two (2) members shall serve until December 31 of the year in which the Ethics Board is established, two (2) shall serve until the second December 31, and three (3) shall serve until the third December 31.
8. An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on the Ethics Board shall not exceed two (2) consecutive three (3) year terms.
9. The members of the Ethics Board shall not receive compensation but are authorized to incur any and all expenses necessary to effectuate the purposes of the Ethics Board within amounts which are to be appropriated by the Town Board annually.

§ 204. Ethics Boards: Vacancies.

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within sixty (60) days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in section 203 of this local law.

§ 205. Ethics Board: Removal of Members.

An Ethics Board member may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in section 203 of this local law, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this local law or any other Town law.

§ 206. Ethics Board: Meetings.

The Town Board shall select a Chairman and at its first meeting each year, the Ethics Board shall elect a Vice-Chairman and Secretary from among its members. A majority shall be required for the Ethics Board to take any action. The Chairman or a majority of its members may call a meeting of the Ethics

Board. The Ethics Board shall hold at least one (1) meeting annually regardless of whether there are any matters pending before the Ethics Board.

§ 207. Ethics Boards: Jurisdiction, Powers, and Duties.

1. The Ethics Board may only act with respect to Town officers and employees of the Town.
2. The termination of the term of office or employment of a Town officer or employee with the Town shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed on him or her by this local law.
3. The Ethics Board shall have the following powers and duties:
 - (a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this local law as so authorized by the Town Board;
 - (b) To review, index, and maintain on file lists of Town officers and employees and disclosure statements filed with the Ethics Board, pursuant to sections 102, 105, 107, 108, 109, 201, 202, and 208 of this local law;
 - (c) To recommend the names of any other Town officers or employees that the Ethics Board determines should appear on the list pursuant to section 107;
 - (d) To review, revise or amend the form and content of the annual disclosure statement annexed as Exhibit "B" as authorized by the Town Board;
 - (e) To review, index, maintain on file, and dispose of sworn complaints and to make notifications on conduct;
 - (f) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to section 210;
 - (g) To render, index, and maintain on file advisory opinions pursuant to section 211;
 - (H) To provide training and education to Town officers and employees pursuant to section 213;
 - (i) To prepare reports and recommend changes to this local law pursuant to section 214;
 - (j) To provide for public inspection of certain records pursuant to section 215;

(k) To select provisions of this local law for reproduction and distribution pursuant to section 217;

(l) To review and decide pursuant to the procedure and requirements outlined in paragraphs 3 and 4 of section 107 of this local law, all requests for redaction of disclosure and extension of time to file; and

(m) To otherwise enforce and administer all of the provisions of this local law.

§ 208. Review of Lists and Disclosure Statements.

1. The Ethics Board shall review:

(a) The lists of Town officers and employees, prepared pursuant to section 201 of this local law, to determine whether the lists are complete and accurate;

(b) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this local law; and

(c) All transactional disclosure statements.

2. If a person required to file an annual or transactional disclosure statement with the Ethics Board has failed to file such a statement, has filed a deficient statement, or, having filed such a statement, reveals a possible or potential violation of this local law, the Ethics Board shall notify the reporting person in writing of such deficiency or possible or potential violation and of the penalties for failure to comply with this local law and provide the person with a fifteen (15) day period to cure the deficiency.

§ 209. Investigations.

1. If the Ethics Board preliminarily finds: (i) on its own review of an annual disclosure statement or transactional disclosure statement; or (ii) pursuant to its review of a request for an advisory opinion; or (iii) pursuant to receipt of a complaint alleging a violation of this local law upon the written request of any individual; or (iv) pursuant to an investigation initiated by the Ethics Board in carrying out the provisions of this local law, that a possible violation of this local law exists, the Ethics Board may, but shall not be required to, provide the person(s) affected with a reasonable opportunity to cure such violation. Such a preliminary finding shall be confidential and not subject to public disclosure. If under any other circumstances, such as through the filing and investigation of a complaint, the Ethics Board

determines that there is reasonable cause to believe that a violation of this local law has occurred, or after any grace period granted by the Ethics Board has expired and such violation remains uncured, it shall send a notice of reasonable cause to:

- (a) the reporting/applicable person;
- (b) the complainant, if any; and
- (c) the Supervisor and the Town Board.

2. Before any such “reasonable cause” finding shall be made, the Ethics Board shall:

- (a) notify in writing the reporting/affected person as to the possible or alleged violation of this local law;
- (b) afford the reporting/affected person an opportunity to submit in writing a written response setting forth such information as said reporting/affected person deems relevant to the activities cited by the Ethics Board as a possible or alleged violation of this local law; and
- (c) shall, upon written request, afford the affected person a hearing wherein this affected person may provide either a written or oral response setting forth such information as the affected person deems necessary or appropriate in response to the actions by the Ethics Board.

3. Upon receipt of a sworn complaint by any person alleging a violation of this local law, or upon determining on its own initiative that a violation of this local law may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this local law.

4. The Ethics Board shall note, in writing, the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Ethics Board.

5. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

6. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this local law, or any other law, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint. The

Ethics Board may request the Albany County Ethics Commission to conduct an investigation of itself or of any of its members or staff.

§ 210. Hearings; Assessment of Penalties; Injunctive Relief.

1. Disciplinary action.

In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to subdivision 1 of section 111 of this local law. The recommendation of the Ethics Board shall be made to the Supervisor and the Town Board or such other person or body authorized by law to impose such disciplinary action. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Town Board or such other person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board, person, body, or prosecutor, as the case may be.

2. Civil fine.

In its discretion and after a hearing providing for due process procedural mechanisms, the Ethics Board, pursuant to subdivision 2 of section 111 of this local law, may assess a civil fine, not to exceed One Thousand Five Hundred Dollars (\$1,500) for each violation, upon any Town officer or employee found by the Ethics Board to have violated this local law. The Ethics Board shall conduct and complete the hearing with reasonable promptness. The civil fine shall be payable to the Town.

3. Damages.

The Town Board may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided in subdivision 3 of section 111 of this local law.

4. Injunctive relief.

The Town Board, or the Ethics Board on behalf of the Town, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a violation of this local law or to compel compliance with this local law, as provided in section 112 of this local law.

5. Prosecutions.

The Ethics Board may refer to the appropriate prosecutor possible criminal violations of this local law. Nothing contained in this local law shall be construed to restrict the authority of any prosecutor to prosecute any violation of this local law or of any other law.

§ 211. Advisory Opinions.

1. Upon the written request of any Town officer or employee, the Ethics Board shall render a written advisory opinion with respect to the interpretation or application of this local law or of Article 18 of the General Municipal Law of the State of New York. Any other person may similarly request an advisory opinion, but only with respect to whether his or her own action might violate a provision of this local law or Article 18, or, such request may be made through a Town officer or employee.

2. In rendering advisory opinions, the Ethics Board may request the advice and counsel of the attorney employed by the Ethics Board or, if none, the Town Attorney.

3. An advisory opinion rendered by the Ethics Board, until and unless amended or revoked, shall be binding on the Ethics Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such requests shall be confidential, but the Ethics Board may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

4. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.

5. Any person aggrieved by an advisory opinion of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

6. Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with section 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subdivision unless:

(a) it shall appear by, and as an allegation in, the petition or complaint that at least six (6) months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter; and

(b) the action or special proceeding shall be commenced within ten (10) months after the submission of the request for the advisory opinion.

§ 212. Judicial Review.

Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 213. Public Inspection of Code of Ethics.

The Ethics Board shall make information concerning this local law and Article 18 of the General Municipal Law available to the Town officers and employees, to the public, and to persons interested in doing business with the Town.

§ 214. Annual Reports; Review of Code of Ethics.

1. The Ethics Board shall prepare and submit an annual report to the Supervisor and the Town Board, summarizing the activities of the Ethics Board by April 15 for the previous fiscal year.
2. The Ethics Board shall periodically review this local law and the Ethics Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable, common sense standards of conduct. At any time, the Ethics Board may recommend changes to the text or administration of this local law to the Town Board.

§ 215. Public Inspection of Records; Public Access to Meetings.

1. Notwithstanding the provisions of Article 6 of the Public Officers Law of the State of New York, the only records of the Ethics Board which shall be available for public inspection are:

(a) The information set forth in an annual disclosure statement or transactional disclosure statement filed pursuant to this local law, except any item of information redacted pursuant to paragraph 3 of section 107 of this local law;

(b) Notices of reasonable cause set under paragraphs 1 and 2 of section 209 of this local law;

(c) Redacted advisory opinion prepared as provided in section 212 of this local law; and

(d) Assessments of civil penalties, sanction, discipline or other action taken or imposed as provided in sections 111 and 210 of this local law.

2. Notwithstanding the provisions of Article 7 of the Public Officers Law or by other applicable State or Federal law or regulation, no meeting or proceeding of the Ethics Board, including any such proceeding contemplated under section 209 of this local law, shall be open to the public, except upon the request of the Town officer or employee under investigation, or, as expressly provided otherwise by the Town Board.

§ 216. Miscellaneous provisions.

1. No existing right or remedy shall be lost, impaired, or affected by reason of this local law.

2. Nothing in this local law shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

3. If any provision of this local law is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this local law.

§ 217. Distribution and posting.

1. Within thirty (30) days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor and Town Clerk, in a form suitable for posting, copies of those provisions of this local law which the Town Board deems necessary for posting in the Town. Within ten (10) days after receipt of those copies, the Town Clerk shall cause the copies to be posted conspicuously in a place designated for the posting of public notices.

2. Within thirty (30) days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor, or other Town officer or employee as designated by the Supervisor, in a form suitable for distribution, copies of those provisions of this local law which the Town Board deems necessary for distribution to the Town officers and employees. Within ten (10) days after receipt of those copies, the Supervisor, or his or her designee, shall cause the copies to be distributed to every Town officer and employee, and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within ten (10) days after entering upon the duties of his or her position.

3. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this local law shall have no effect on the duty of compliance with this local law or on the enforcement of its provisions.

Section 6. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.

EXHIBIT AA@

TOWN OFFICERS AND EMPLOYEES REQUIRED TO FILE
ANNUAL STATEMENT OF DISCLOSURE

- | | | | |
|-----|---|-----|---|
| 1. | Supervisor | 38. | Purchasing Officer |
| 2. | Town Board | 39. | Chief Court Clerk |
| 3. | Zoning Board of Appeals | 40. | Director, Senior Services |
| 4. | Chairman, Zoning Board of Appeals | 41. | Superintendent of Highways |
| 5. | Planning Board | 42. | Superintendent of Water and
Wastewater Treatment |
| 6. | Chairman, Planning Board | 43. | Treatment Plant Operator |
| 7. | Environmental Council | 44. | Town Engineer |
| 8. | Chairman, Environmental Council | 45. | Senior Engineering Technician |
| 9. | Industrial Development Agency | 46. | Superintendent of Transfer Station |
| 10. | Chairman, Industrial Development Agency | 47. | Chief Mechanic |
| 11. | Economic Development Council | | |
| 12. | Chairman, Economic Development Council | | |
| 13. | Ethics Board | | |
| 14. | Chairman, Ethics Board | | |
| 15. | Board of Assessment Review | | |
| 16. | Chairman, Board of Assessment Review | | |
| 17. | Chief of Police | | |
| 18. | Lieutenant | | |
| 19. | First Sergeant | | |
| 20. | Director of Emergency Medical Services | | |
| 21. | Medical Director | | |
| 22. | Town Historian | | |
| 23. | Chief Building Inspector and Zoning Administrator | | |
| 24. | Zoning Enforcement Officer | | |
| 25. | Deputy Building Inspector | | |
| 26. | Town Attorney | | |
| 27. | Assistant Town Attorney | | |
| 28. | Fire Inspector | | |
| 29. | Chief Fire Inspector | | |
| 30. | Planning and Zoning Coordinator | | |
| 31. | Director of Parks and Recreation | | |
| 32. | Superintendent of Parks | | |
| 33. | Town Clerk | | |
| 34. | Receiver of Taxes | | |
| 35. | Assessor | | |
| 36. | Comptroller | | |
| 37. | Deputy Comptroller | | |

RETURN TO:
Town of Guilderland Ethics Board
Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339

EXHIBIT AB

ANNUAL STATEMENT OF DISCLOSURE TO THE TOWN OF GUILDERLAND ETHICS BOARD FOR
CALENDAR YEAR 200

Last. Name	First Name	Initial
_____Home Address		

If the answer to any of the following questions is None or Not applicable, please so indicate.

The Town of Guilderland is hereinafter referred to as the Town. Applicant or You shall refer to the person executing and filing this Disclosure Statement.

1. List all the positions you hold as a Town officer or employee, or as a member of or counsel to a Town office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, list the name of your immediate supervisor and their job title:

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:00 p.m. from Monday through Friday: _____.

4. What is your current marital status?
Married
Single, Divorced or Widowed
Legally Separated

5. List the address of each piece of property in which you, your spouse, or other relative own or have a financial interest. List only real estate that is in the Town. Relative means your spouse, child, stepchild, brother, sister, parent, or a person you claimed as a dependent on your latest state income tax return, or the spouse of any such person. (Attach additional sheets if necessary).

Name of Family Member	Relationship to Applicant	Address of Real Estate	Type of Interest, Control or Ownership
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6. List the name of any outside employer, business, organization or association from which you, your spouse, or other relative receive compensation for services rendered or goods sold or produced or of which you, your spouse, or other relative are an officer, director or employee. Also include any entity in which you, your spouse, or other relative have an ownership interest, except a corporation of which you, your spouse, or other relative own less than five percent (5%) of the outstanding stock. Identify the type of business, such as a partnership, private, public (other than with the Town) or not-for-profit corporation, self employment, sole proprietorship, partnership, incorporated association or other unincorporated business, and list such person=s relationship to the employer or business (i.e., you are, or are a relative of, an owner, partner, officer, director, member, employee, or shareholder). ARelative@ means your spouse, child, stepchild, brother, sister, parent, or a person you claimed as a dependent on your latest state income tax return, or the spouse of any such person. (Attach additional sheets if necessary).

Name of Employer or Business	Nature of Business	Type of Business (i.e., corp., not-for-profit, self employment, etc.)	Your Relationship
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7. If an entity identified in 6 is currently or has within the last two (2) years been licensed and/or regulated by any Town department, agency or public benefit corporation, please list the name of the entity, the name of such Town department, agency or public benefit corporation and the type of license or permit received from Town. (Attach additional sheets if necessary).

Name	Town Licensing or Permitting Department, Agency or Public Benefit Corporation	Type of License or Permit
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8. If an entity identified in 6, as a regular or significant part of the business or activity of said entity, does business with or did business within the last two (2) years with a Town department, agency or public benefit corporation, please list the name of the entity, the name of such Town department, agency or public benefit corporation and the nature of the business conducted by such entity with such Town department, agency or public benefit corporation. (Attach additional sheets if necessary).

Name	Town Department, Agency or Public Benefit Corporation	Nature of Business with Town
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I make the above statement to the Town of Guilderland Ethics Board of my assets, affiliations and sources of income as of the close of business set forth below. The information contained in this Annual Statement of Disclosure constitutes a full and complete financial statement as of the date indicated and, to the best of my knowledge, I have no conflict of interest prohibited by the Town of Guilderland Code of Ethics for the position(s) I hold with the Town.

Applicant=s Signature

Date

Sworn to before me this
____ day of _____, 200____.

Notary Public

7. Briefly set forth the reasons in support of your application why the information you wish to have reacted, if disclosed, would constitute an unwarranted invasion of personal privacy or would otherwise likely endanger the life or safety of any person. (Attach additional sheets if necessary).

8. Attach a copy of your completed financial disclosure statement with the information requested to be redacted highlighted or underlined.

Applicant=s Signature

Sworn to before me this
____ day of _____, 200__.

Notary Public

RETURN TO:
Town of Guilderland Ethics Board
Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339

EXHIBIT AD@

APPLICATION TO THE TOWN OF GUILDERLAND ETHICS BOARD
REQUESTING AN EXTENSION OF TIME FOR FILING ANNUAL DISCLOSURE STATEMENT FOR
CALENDAR YEAR 200

Last. Name

First Name

Initial

Home Address

If the answer to any of the following questions is Anone@ or Anot applicable@, please so indicate.
The Town of Guilderland is hereinafter referred to as the ATown@. AApplicant@ or Ayou@ shall refer to the person executing and filing this Disclosure Statement.

1. List all the positions you hold as a Town officer or employee, or as a member of or counsel to a Town office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, list the name of your immediate supervisor and their job title:

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:00 p.m. from Monday through Friday: _____.

4. Set forth the date your Annual Disclosure Statement is due _____.

5. List the item numbers contained in the Annual Disclosure Statement you require additional

time to address: Item #-s _____.

6. Briefly state the reasons why you believe you are entitled to an extension of time for filing your financial disclosure form. (Attach additional sheets if necessary) :

Applicant=s Signature

Sworn to before me this
____ day of _____, 200____.

Notary Public

RETURN TO:
Town of Guilderland Ethics Board
Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339

EXHIBIT A E

APPLICATION TO THE TOWN OF GUILDERLAND ETHICS BOARD TO EXEMPT
INFORMATION PERTAINING TO APPLICANT=S SPOUSE FROM BEING REPORTED ON
APPLICANT=S ANNUAL DISCLOSURE STATEMENT FOR CALENDAR YEAR 200

Last. Name

First Name

Initial

Home Address

If the answer to any of the following questions is None or Not applicable, please so indicate.

The Town of Guilderland is hereinafter referred to as the Town. Applicant or You shall refer to the person executing and filing this Disclosure Statement.

1. List all the positions you hold as a Town officer or employee, or as a member of or counsel to a Town office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, list the name of your immediate supervisor and their job title:

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:00 p.m. from Monday through Friday: _____.

4. Briefly set forth the specific nature of your job duties and also attach a copy of your formal job description to this application (Attach additional sheets if necessary):

5. Briefly set forth why information regarding your spouse should be exempt from public disclosure (Attach additional sheets if necessary):

6. Briefly set forth the reasons of your application why an exemption from reporting information

pertaining to your spouse will have no material bearing on the discharge of your official duties.
(Attach additional sheets if necessary).

7. Briefly set forth the reasons of your application why an exemption from reporting information pertaining to your spouse, if disclosed, would constitute an unwarranted invasion of personal privacy or would otherwise likely endanger the life or safety of any person. (Attach additional sheets if necessary).

8. Attach a copy of your completed annual disclosure statement and a copy of the information on your spouse which you wish to be exempt from reporting.

Applicant=s Signature

Sworn to before me this
___ day of _____, 200__.

Notary Public

713 DISPUTE AND GRIEVANCE PROCEDURE (NON-UNION EMPLOYEES)

Section 1 - Declaration of Principle

It is the intent of the Town that all grievances be resolved informally or at the earliest possible stage of the grievance procedure. However, the Town recognizes that this procedure must be available without any fear of discrimination because of its use.

Section 2 – Subject Matter

A “grievance” shall mean any claimed violation, misinterpretation or inequitable application of the employment contract, existing laws, rules, procedures, regulations, administrative order or work rule or any other condition of employment which relates to or involves the employee(s).

Section 3 – Submission of Grievances

Initial Stage

- A. An employee who claims to have a grievance shall present his/her grievance to the immediate supervisor orally, within fifteen (15) days after the grievance occurs, or becomes known to the employee.
- B. The immediate supervisor shall discuss the grievance with the employee; shall make such investigation as necessary, and shall consult with his/her superiors if necessary on an informal basis.
- C. Within three (3) days after the presentation of the grievance, the immediate supervisor shall make his/her decision and communicate the decision to the employee presenting the grievance and to the employee’s representative, if any.

Second Stage

- A. If an employee presenting a grievance is not satisfied with the decision made by the immediate supervisor, he/she may, within ten (10) days thereafter, request a review and determination of the grievance by the Department Head. Such request must be in writing and shall contain a statement as to the specific nature of the grievance and the facts relating to it. Such request shall be served upon both the Department Head and the immediate supervisor.
- B. The Department Head or designee may, and at the request of the employee, hold a hearing within five (5) days after receiving the written request and statement from the employee. The employee and his/her representative, if any, may appear at the hearing and present oral statements or arguments.

- C. Within five (5) days after the close of the hearing, the Department Head, or designee shall make his/her decision and communicate the same to the aggrieved presenting the grievance, and to the employee's representative, if any.

Third Stage

- A. If the employee presenting the grievance is not satisfied with the response of the Department Head, the employee may forward the grievance to the Town Supervisor within ten (10) days.
- B. The Town Supervisor or designee, shall meet with the employee and his/her representative and issue a written decision not later than fifteen (15) days following receipt of the Third Stage Appeal.

Final Stage

- A. If the employee presenting the grievance is not satisfied with the decision of the Town Supervisor or nominee, he/she may, within ten (10) days thereafter may request a hearing pursuant to Section 75 of the Civil Service Law.

Section 4 – General Consideration

- A. Class grievances involving more than one (1) employee may be submitted to the Town Supervisor and shall commence at the Third Step.
- B. Any meeting or any stage in the grievance procedure may be waived if both parties consent.
- C. If the employee presenting the grievance fails to follow any of the steps in the procedure, such as going directly to the Town Supervisor, Town Board or the media, he/she would then forfeit his/her rights under this policy.

800 COMMUNICATION PROCEDURES

801 BULLETIN BOARD

Bulletin boards are located in Town buildings for communicating information to employees. Please check them frequently to keep informed of changes in employment matters and items of interest. Department Head approval is required prior to posting memos or announcements.

802 COMMUNICATION WITH THE PUBLIC

The Town believes that, as a matter of policy, channels of communication should be kept open at all times between the Town, the general public, and the media. However, providing information and public relations is a function that is to be directed by the Town Supervisor. His/her offices will be responsible for information released by the Town, and will handle requests in conformity with the Freedom of Information regulations.

All employees should be keenly aware that information that is either inaccurate or released improperly can hurt the image of the department and the interests of the Town.

In any department, non-routine requests from external parties for the release of information via surveys, questionnaires, studies, should be granted only with the approval of the department head and the Town Supervisor.

803 PUBLIC RELATIONS

It is the policy of the Town of Guilderland to provide its taxpayers and citizens with the best possible service. Employees are expected to treat taxpayers and citizens in a courteous, respectful manner at all times.

1. Employees should always remember that the taxpayers and citizens come first and are entitled to the same thoughtful treatment that the employee would like to receive. Taxpayers and citizens should not be treated in a condescending or impolite manner and should never be kept waiting an unreasonable amount of time.
2. When a taxpayer and/or citizen approaches an employee with a question or complaint, the employee will give the matter their immediate attention. If the person becomes abusive or argumentative and the employee cannot properly handle the situation, the person should be referred to the employee's Supervisor.
3. Employees should be particularly careful to exercise courtesy and thoughtfulness in using the telephone.

The Town recognizes that as a result of conducting business, complaints will arise periodically from citizens, groups or organizations. Normally employees may refer these matters to their Department

Head in order to resolve complaints as fairly and expeditiously as possible. Complaints involving other departments must be referred to the individual in charge of such department. If a person does not appear satisfied with the decision at the departmental level, they should be advised of their right to appeal a departmental finding before the Town Supervisor or the Town Board.

900 CONCLUSION

In general, we have noted benefits, procedures and responsibilities to you as an employee. At any time, all Town employees are heartily welcomed to submit suggestions for improvement of Town services and operations directly to their immediate supervisor and/or the Town Supervisor.

Thank you for taking the time to review this manual. All Town employees are encouraged to contact their Department Head or the Human Resource Department if they have any questions, suggestions or concerns regarding their employment with the Town.